

**Marlan, Andrew M.**

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**From:** CPIC <cpic@chicagopolice.org>  
**Sent:** Thursday, March 01, 2018 12:01 PM  
**To:** Katz; Walter; Forde; Janel; Tate-Nadeau; Alicia; Caluris; Steven M.; Panepinto; Leo  
**Subject:** (U//FOUO) Horizon Report - 01 Mar 2018  
**Attachments:** U\_FOUO\_Horizon\_Report\_01\_Mar\_2018.pdf

Good afternoon,

Please find today's Horizon Report attached. Thank you.

Chicago Police Department

Crime Prevention and Information Center (CPIC)  
312-745-5669, Fax 312-745-6927

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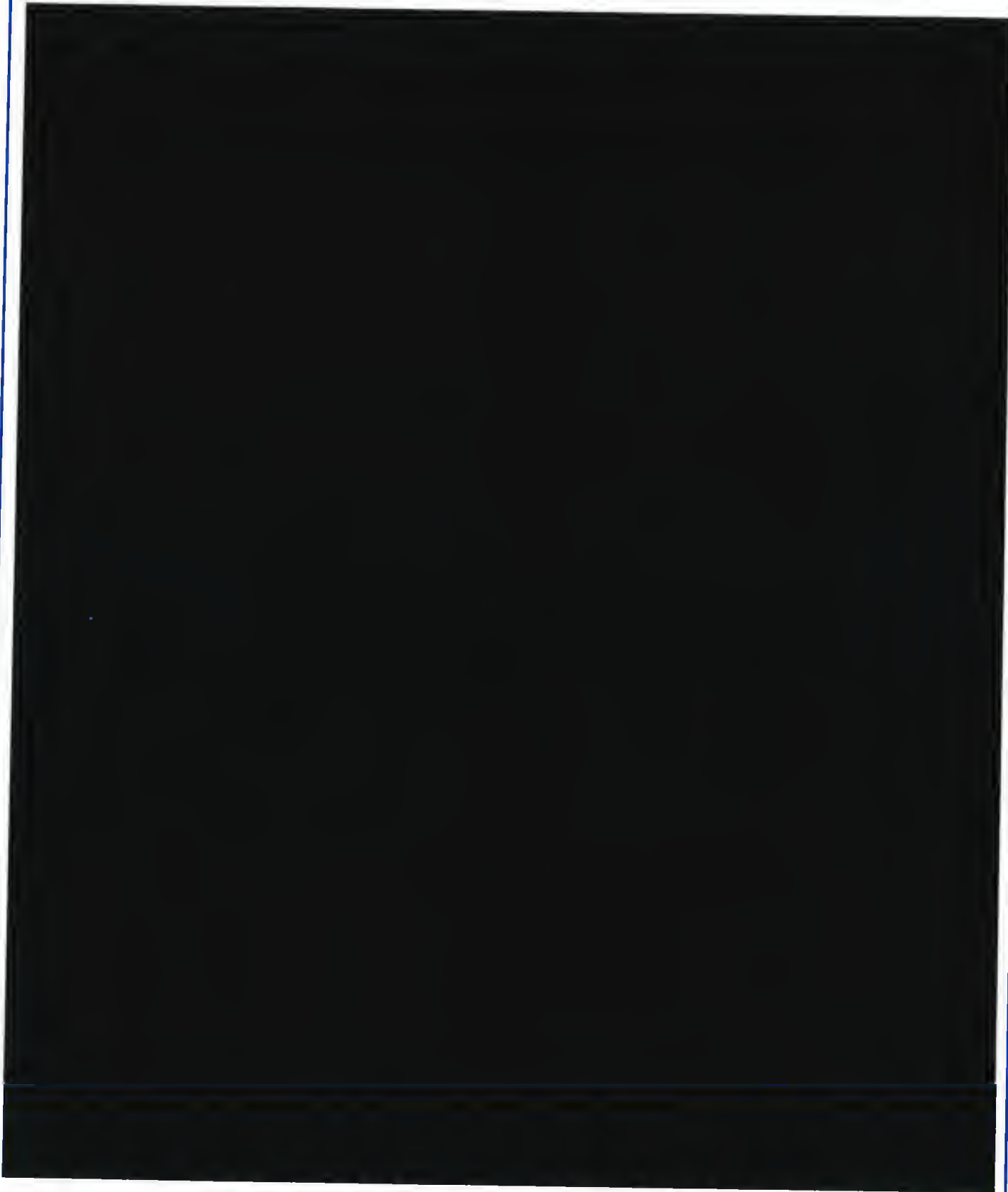


(U) CTS Horizon Report  
01 March 2018



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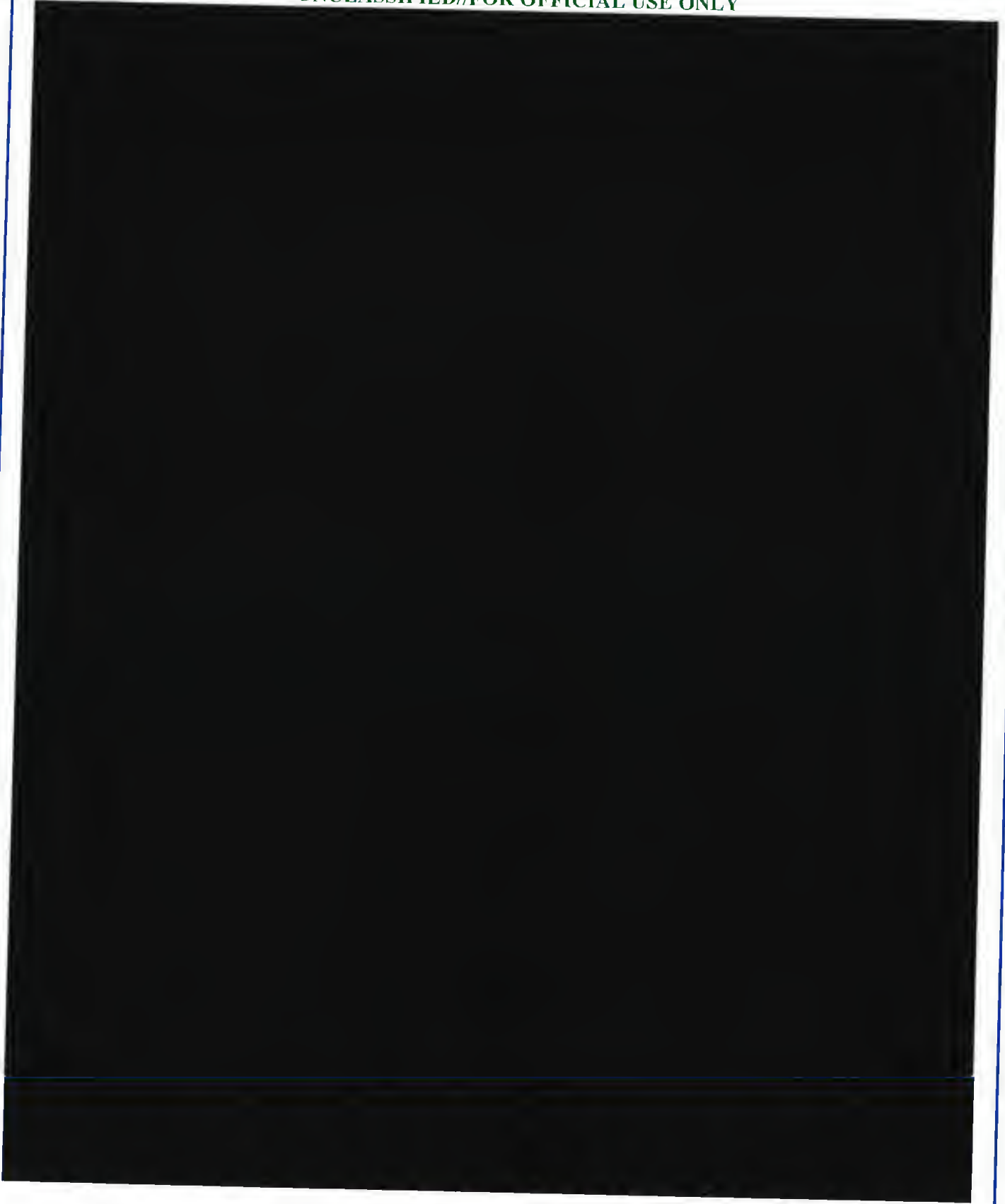
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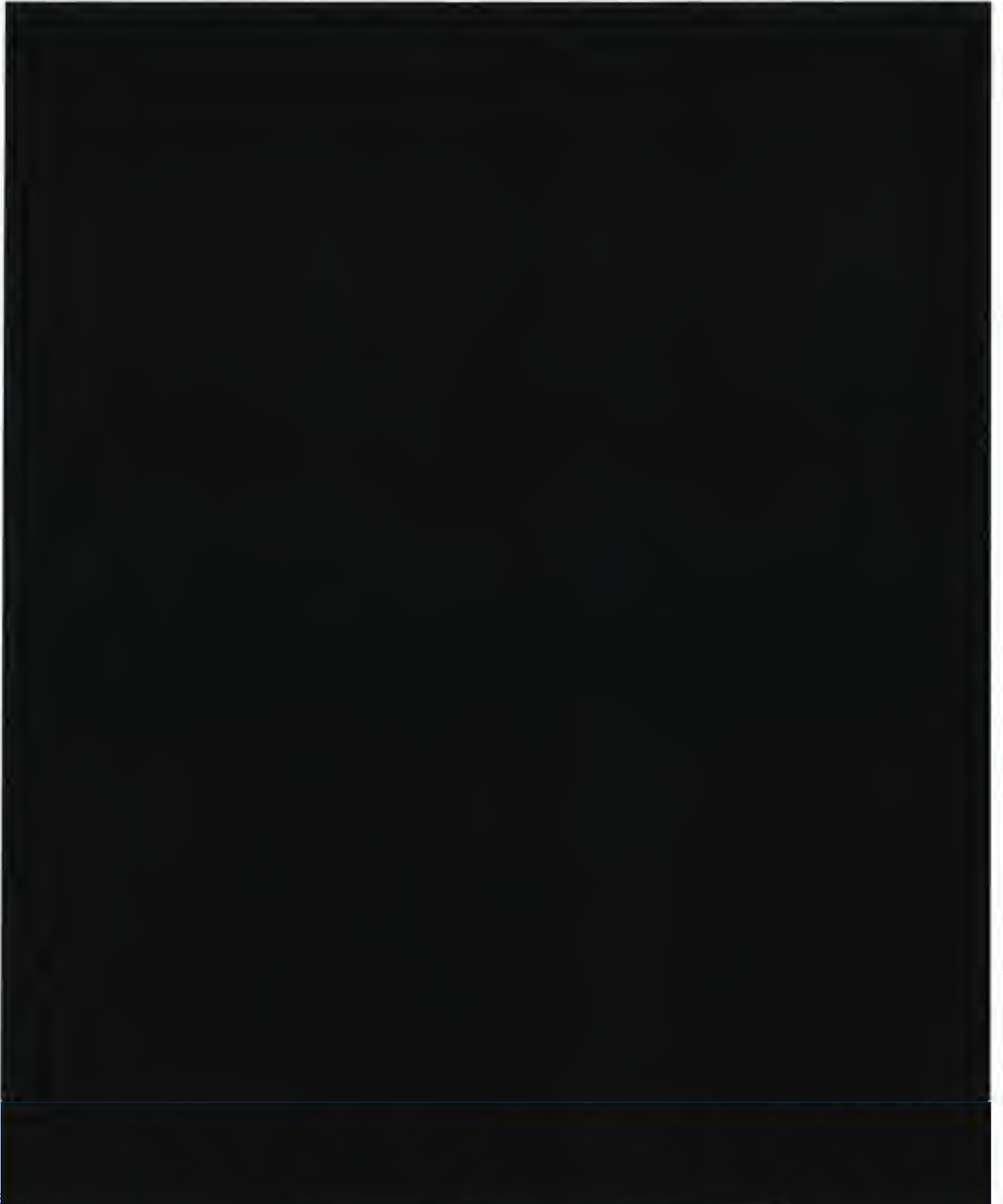
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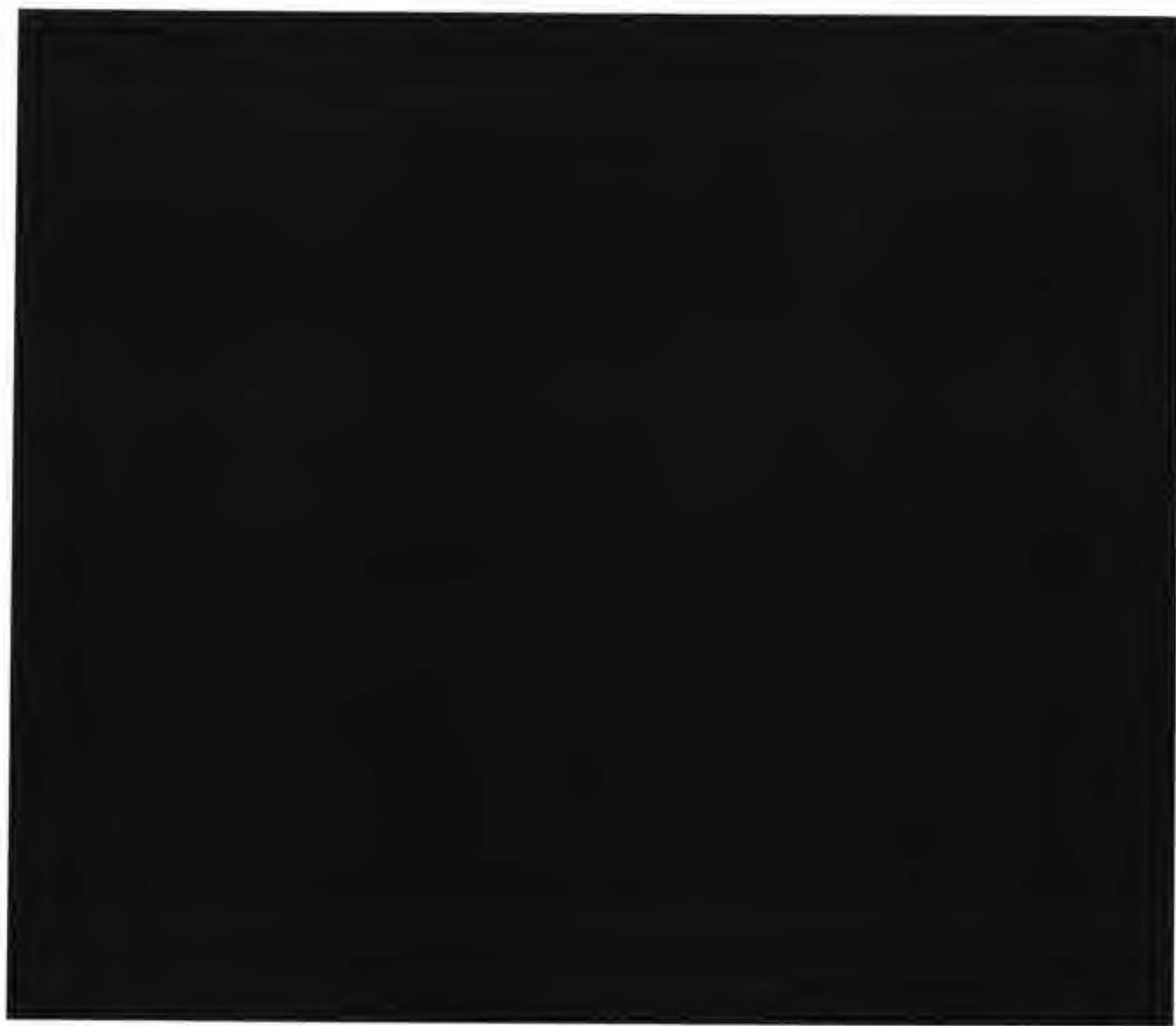
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# **Morning Brief**

**Thursday, March 1, 2018**

**FEMA**  
**REGION V**

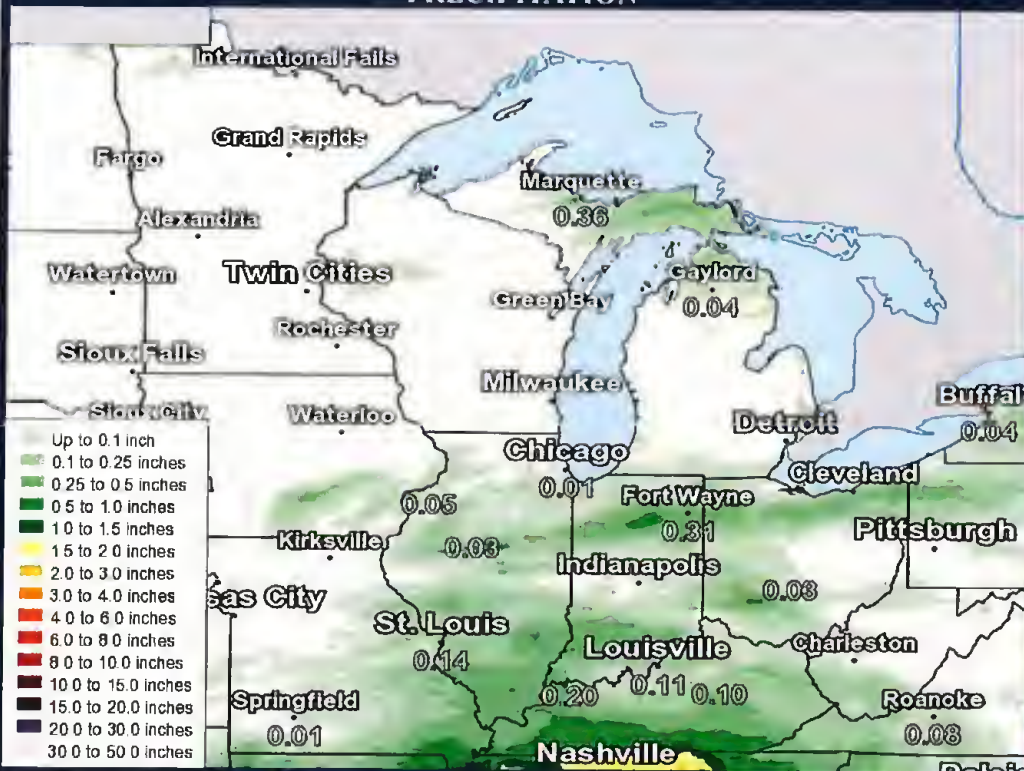
### Updates in Blue



# WEATHER SUMMARY (Last 24 Hours)



## PRECIPITATION



## SNOWFALL



## STORM REPORTS



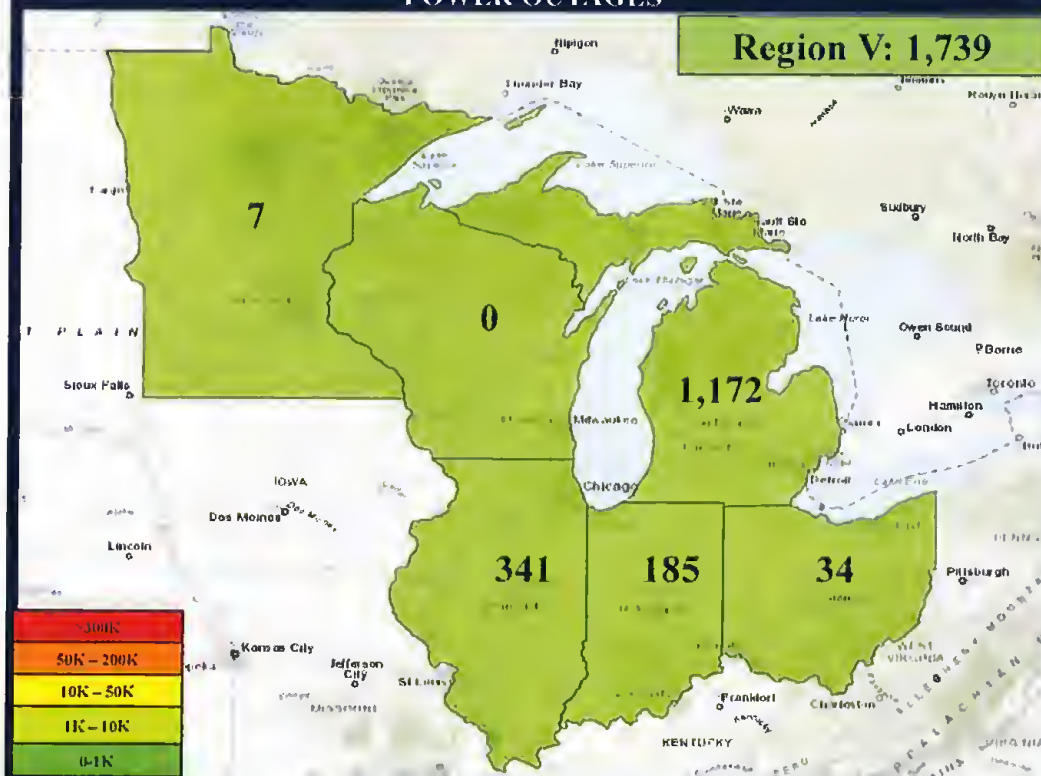


# INFRASTRUCTURE STATUS

## POWER OUTAGES



## CONDITIONS & THREATS



	AIRPORT STATUS	ROADWAY STATUS	NUCLEAR FACILITIES
IL			
IN		statewide	
MI		statewide	
MN			
OH		statewide	
WI			
RV			

EXCESSIVE	DESS FLOODING	GENERAL CARGO
MODERATE	MODERATE	MODERATE
MODERATE	MODERATE	MODERATE
LOW	DEBRIS	UNUSUAL EVENT

	GEOMAGNETIC STORMS	SOLAR RADIATION STORMS	RADIO BLACKOUTS
DAY 1		SI or GREATER	R1 - R2
DAY 2			R1 - R5

GEOMAGNETIC	SOLAR RADIATION	RADIO
G1 SEVERE	S1 SEVERE	R1 SEVERE
G2 STRONG	S2 STRONG	R2 STRONG
G3 MODERATE	S3 MODERATE	R3 MODERATE
G4 MINOR	S4 MINOR	R4 MINOR

# REGION V READINESS



## OPERATIONS STATUS

RRCC	NORMAL OPERATIONS
RWC	NORMAL OPERATIONS
PRIMARY IMAT	NORMAL OPERATIONS
DCE	NORMAL OPERATIONS
LNO	BLUE (LNO deployed to Indiana)
NTAS	NORMAL OPERATIONS

## STATE OPERATIONS STATUS

ILLINOIS	PARTIAL ACTIVATION (Flooded)
INDIANA	PARTIAL ACTIVATION (Flooded)
MICHIGAN	NORMAL OPERATIONS
MINNESOTA	NORMAL OPERATIONS
OHIO	NORMAL OPERATIONS
WISCONSIN	NORMAL OPERATIONS

## TRAINING & EXERCISES

### TRAINING:

- March 6-8: Intro to Grants and Cooperative Agreements, Chicago, IL
- Mar 7: PowerPoint I (Beginner); Chicago, IL
- Mar 8: PowerPoint II (Intermediate); Chicago, IL
- Mar 12-15: PER-314 REP Exercise Evaluator Course (REEC); Indianapolis, IN
- Mar 13: FEMA Ethics Training; Chicago, IL
- Mar 14: Excel III (Advanced); Chicago, IL

### EXERCISES:

- Mar 7: Braidwood REP Ex; Braidwood, IL
- Mar 13: Region V Power Outage Incident Annex (POIA) Seminar #2; Chicago, IL
- Apr 24: Palisades REP Ex; Van Buren Co, MI
- May 8: NMSZ Mass Care TTX; Chicago, IL

## DISASTER DECLARATION STATUS

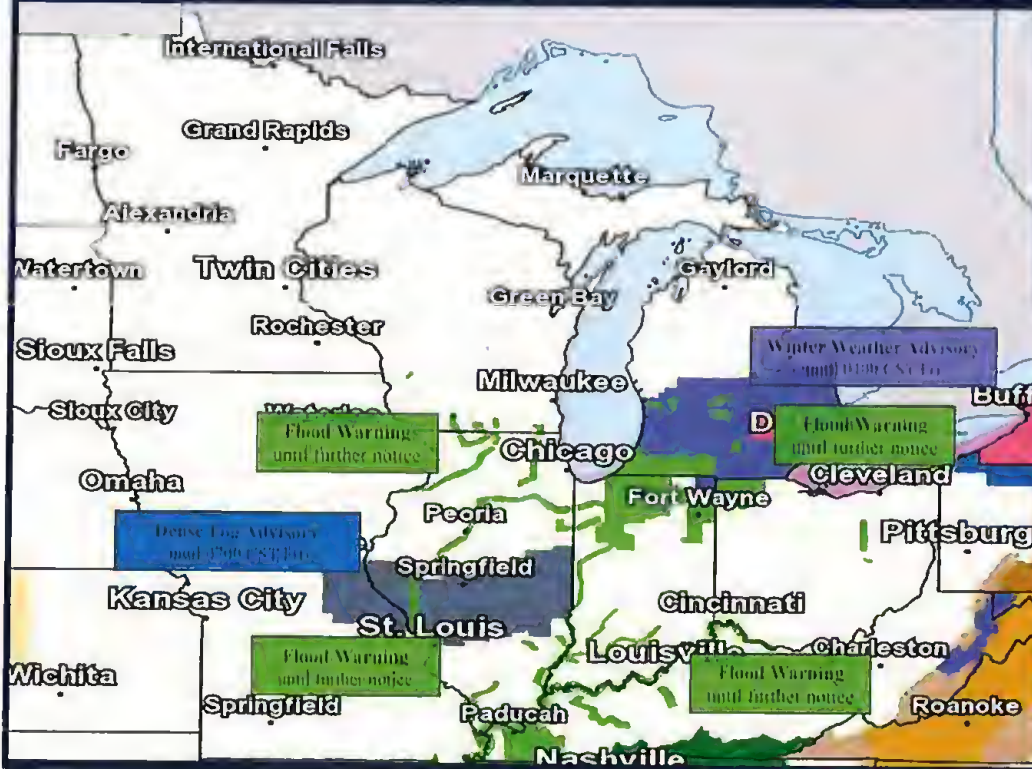
PDA SUMMARY: None

DECLARATION REQUESTS: None

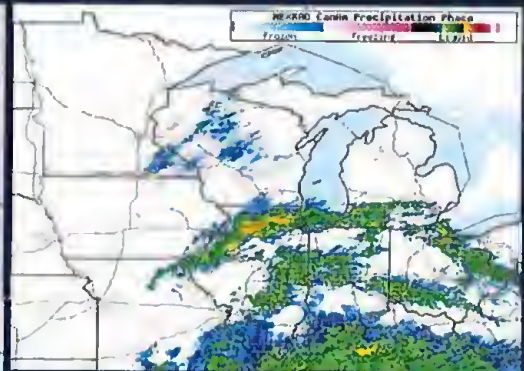
**DECLARATIONS: FEMA-4343-DR-WI.** On October 07, 2017 the President approved a Major Disaster Declaration for the State of Wisconsin as a result of severe storms, mudslides, flooding, and straight-line winds during the period of July 19-23. It provides Public Assistance for 11 counties (Buffalo, Crawford, Grant, Iowa, Jackson, La Crosse, Lafayette, Monroe, Richland, Trempealeau, and Vernon) and Hazard Mitigation statewide. FCO is Janet Odesheo.

# CURRENT WEATHER

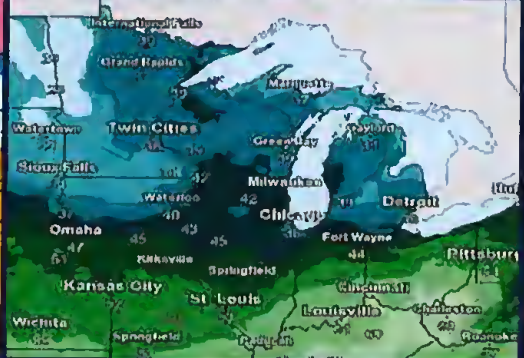
## WATCHES & WARNINGS



## RADAR



## MAX TEMPERATURE





# DAY 1 FORECAST

## NATIONAL FORECAST

FEMA  
REGION V



**Day 1 National Forecast Chart**  
 Valid Thru: Mar 07, 2018, Issued 5:21 AM EST  
 DOC NOAA NWS/NCEP/Weather Prediction Center  
 Prepared by McCreynolds with WPC/SPC/NHC forecasts

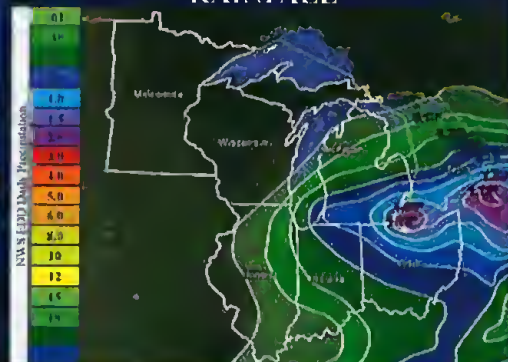
Rain  
 Rain and T'Storms  
 Rain and Snow  
 Snow

**Heavy Flooding Possible (hatched)**  
**Severe T'Storms Possible (hatched)**  
**Freezing Rain Possible (hatched)**  
**Heavy Snow Possible (hatched)**

## SNOWFALL



## RAINFALL



**FEMA**  
**REGION V**

## DAY 2 RAINFALL



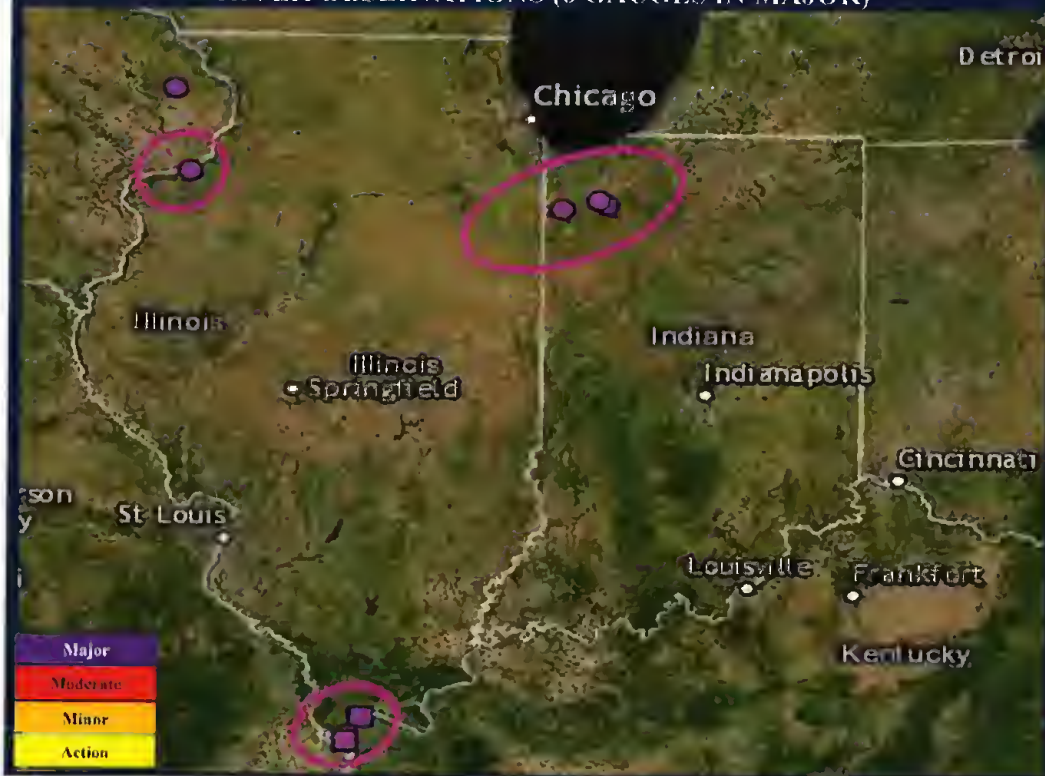
### DAY 3 RAINFALL



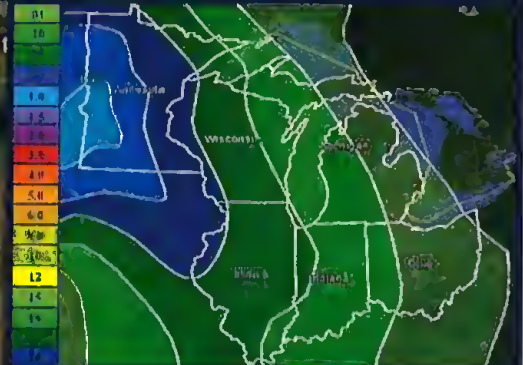
# HYDROLOGIC OUTLOOK

RIVER OBSERVATIONS (6 GAUGES IN MAJOR)

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REGION V

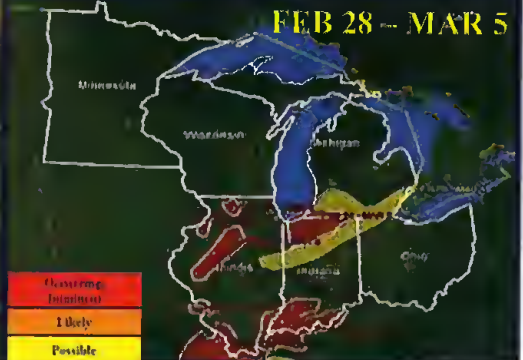


DAY 4-5 PRECIPITATION



SIG. RIVER FLOOD OUTLOOK

FEB 28 - MAR 5





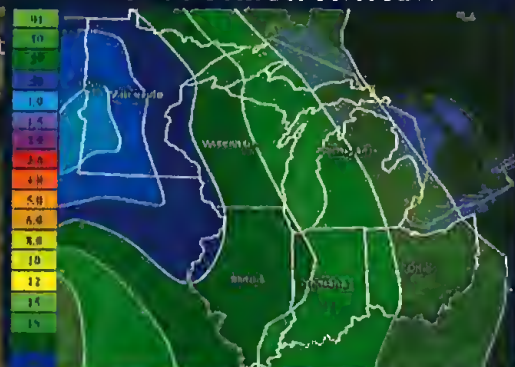
# HYDROLOGIC OUTLOOK

RIVER FORECAST (10 GAUGES IN MAJOR)

FEMA  
REGION V

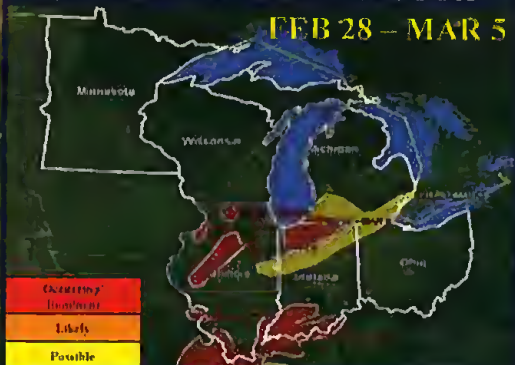


DAY 4-5 PRECIPITATION



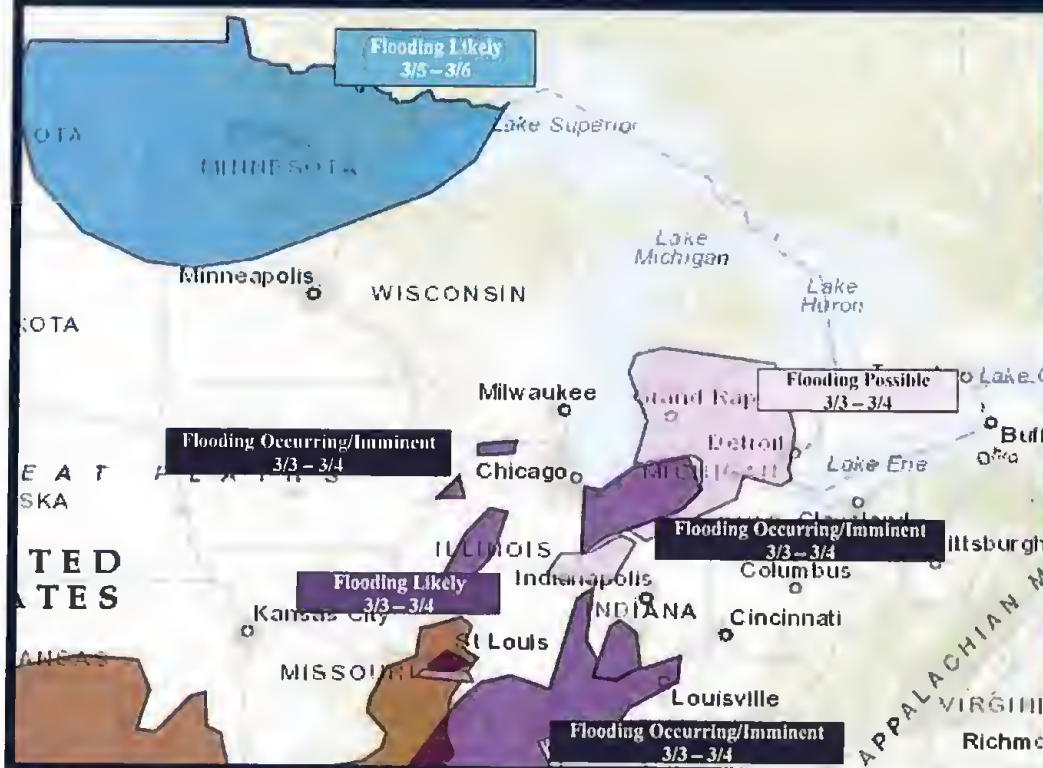
SIG. RIVER FLOOD OUTLOOK

FEB 28 - MAR 5

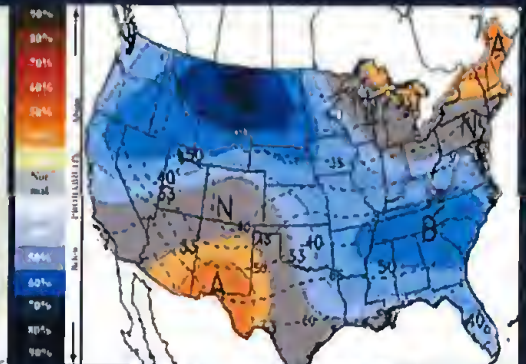


# EXTENDED OUTLOOK

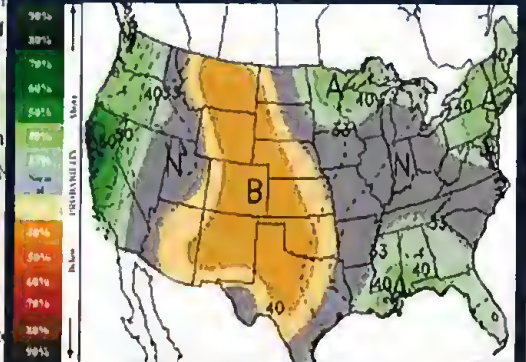
3-7 DAY HAZARDS



## 6-10 TEMPERATURE



## 6-10 PRECIPITATION







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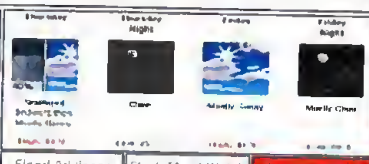
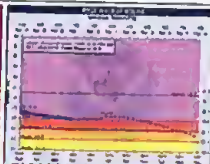
## Rock River at Moline

Rock Island County (County Population 147,546)



Current  
14.05  
01 Mar

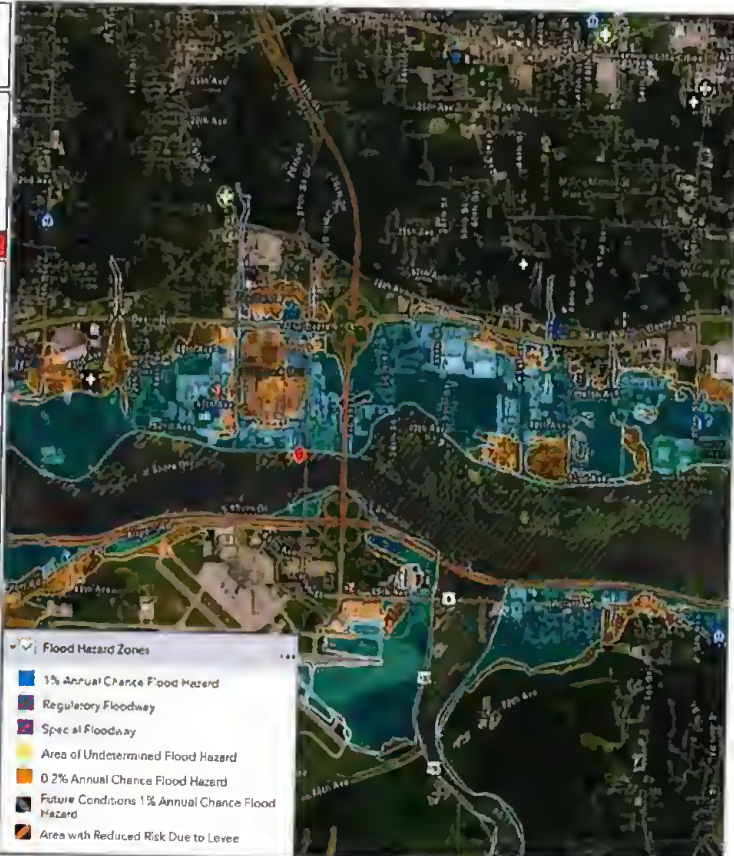
Forecast  
13.9  
01 Mar



Flood Advisory Flash Flood Watch Flood Warning

- Impacts**
- NWS 17.5** The Sears Dam is under water in Rock Island.
  - NWS 15.5** Water affects the intersection of Highways 150 and 6. Steel Dam is under water in Milan.
  - NWS 15.2** Water affects the lowest streets on Vanduffs Island.
  - NWS 15** Water affects business parking lots on 52nd Avenue in Moline. Water also affects most homes on South Shore Drive and North Shore Drive.
  - NWS 14** Water affects South Shore Drive and North Shore Drive in Moline west of the 27th Street bridge. Water limits access to homes on South Shore Drive east of the I-74 bridge.
  - NWS 13.2** Water affects 60th Street south of John Deere Road in Moline and 75th Ave from Green Valley Park 48th St. Water is on Canal Road in Big Island. Smith's Island is affected.
  - NWS 13** Water affects homes on South Shore Drive and cuts off access to homes east of the I-74 bridge. Water also affects 49th Avenue south of the theater. Water affects Vanduff Island.
  - NWS 12.5** Water affects some residences in the lower Friendship Farm area. 60th St is under water south of the Green Valley Sports Complex. 56th St along the north side of the river is under water.

- Operations Activity**
- 



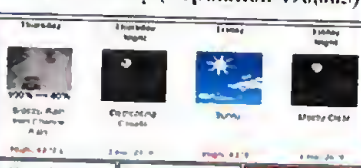


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## Kankakee River at Shelby Lake County (Population 496,005)



Current  
13.03  
1 Mar  
Forecast  
11.9  
06 Mar



- NWS** 13 Indiana Route 55 is flooded. Extensive flooding occurs to the Sumava Resorts area. Water approaches the top of levees.
- NWS** 12.5 Water flows over part of US 41.
- NWS** 11.5 Flood waters surround a number of homes located 1 mile east of Sumava Resorts. Some homes are affected just across the state line in Illinois.
- NWS** 10 Flooding affects county and local roads. Wildwood Estates and Sumava Resorts begin to experience some flooding.
- NWS** 9 Lowland agricultural flooding begins





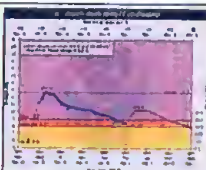
FEMA




## St. Joseph River at South Bend

St. Joseph County (Population 266,931)



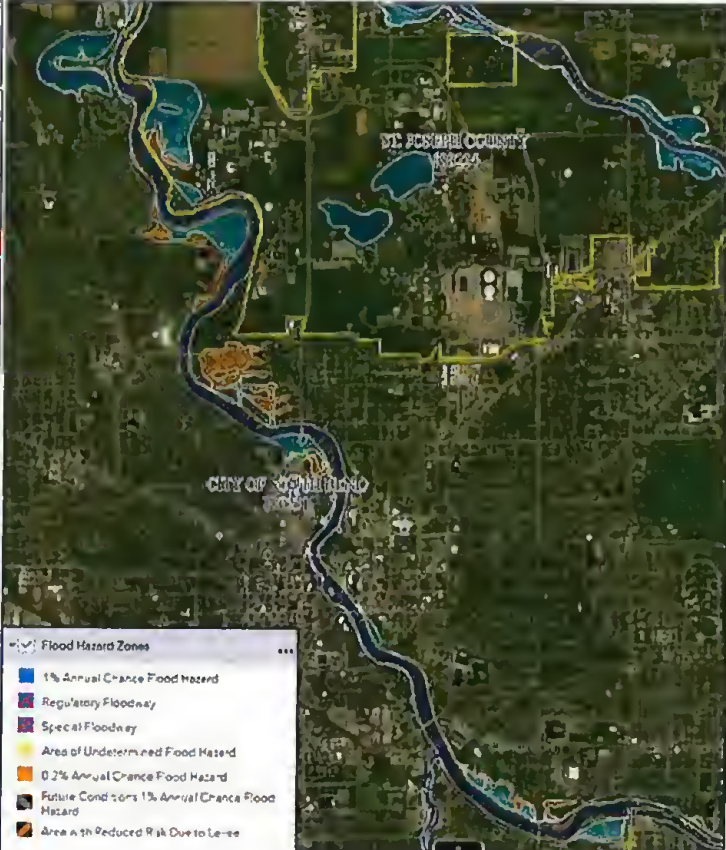
Current  
8.5  
01 Mar  
Forecast  
10.3  
02 Mar



Today	Tonight	Friday	Friday Night
 Rain and Areas Fog then Rain/Snow	 Chance Snow then Mostly Cloudy	 Mostly Sunny	 Mostly Clear
High: 61°F	Low: 20°F	High: 63°F	Low: 60°F
Flood Advisory	Flash Flood Watch		Flood Warning

- Impacts: Historical Official Forecast
- NWS 11.1** The river is at the 100 year flood level.
  - NWS 11** Flooding exceeds the record flood of 10.9 feet. Business areas near Indiana University at South Bend campus are flooded. Residents in River Commons are flooded. Record flood will be in progress in western portions of Mishawaka and South Bend. Evacuations are necessary and the wastewater treatment plant will be completely flooded.
  - NWS 10** A near record flood is in progress. Flooding affects commercial areas near Indiana University at South Bend campus along Northside Blvd.
  - NWS 9** Moderate flooding is in progress. Flooding almost completely submerges parks and floods local streets near the St. Joseph River.
  - NWS 8** Flood waters begin to affect river parks and roads and may affect portions of Northside Blvd, Riverside and North Shore Drive. High water may cause flooding of basements and interfere with some commercial activities.
  - NWS 7** Flooding is confined to park land and park roads. Some backyard flooding may occur in residential areas near the river.
  - NWS 6** Flooding is confined to mostly park land and golf courses. Northshore Drive, Leeper Park and Petro golf courses begin to flood.
  - NWS 5.5** The river reaches flood stage with the lowest residential areas beginning to flood.

Operations Activity





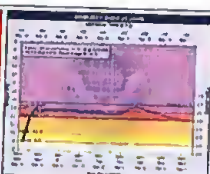


FEMA

## Kankakee River at Davis Starke County (Population 23,197)



Current  
12.61  
01 Mar  
Forecast  
13.5  
02 Mar



Today	Tomorrow	1 Friday	1 Friday
 Rain and Area Fog Wind: West 10-15 mph Temp: 45-55 °F	 Partly Cloudy Wind: West 10-15 mph Temp: 45-55 °F	 Mostly Sunny Wind: West 10-15 mph Temp: 45-55 °F	 Mostly Clear Wind: West 10-15 mph Temp: 45-55 °F

Flood Advisory Flash Flood Watch Flood Warning

- NWS** 13 Extensive agricultural flooding is in progress
- NWS** 11 Flooding of secondary roads near the river begins
- NWS** 10 Flooding of low lying agricultural areas begins.

Activity





**FEMA's mission is to support our citizens  
and first responders to ensure that as a  
nation we work together to build, sustain  
and improve our capability to prepare for,  
protect against, respond to, recover from  
and mitigate all hazards.**

# THE HOMELAND SECURITY *NEWS CLIPS*

PREPARED FOR THE DEPARTMENT OF HOMELAND SECURITY BY BULLETIN INTELLIGENCE [WWW.BULLETININTELLIGENCE.COM/DHS](http://WWW.BULLETININTELLIGENCE.COM/DHS)

TO: THE SECRETARY AND SENIOR STAFF  
DATE: THURSDAY, MARCH 1, 2018 5:00 AM EST

## TODAY'S EDITION

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## **LEADING DHS NEWS**

### **Immigration Head Blames Oakland Mayor For 800 Missed Arrests**

By Olga R. Rodriguez And Elliot Spagat  
Associated Press, February 28, 2018

SAN FRANCISCO — A federal official said Wednesday that about 800 "criminals" avoided immigration arrests because Oakland Mayor Libby Schaaf alerted the public to the surprise operation, an extraordinarily high number of missed targets.

Thomas Homan, U.S. Immigration and Customs Enforcement's acting director, told Fox News that the mayor's warning on Twitter was "beyond the pale" and compared her to a gang lookout who tells people when a police car is arriving. Homan said the Justice Department is looking into whether Schaaf obstructed justice.

The mayor's unusual public warning last weekend came hours before the agency launched an operation in Northern California that resulted in more than 150 arrests as of Tuesday, according to the agency.

The agency declined to elaborate on the 800 who allegedly got away or answer other questions about the operation that began Sunday. Danielle Bennett, an agency spokeswoman, said more information would be released later in the week.

John Torres, the agency's director during the end of George W. Bush's administration and beginning of Barack

Obama's, said agents generally capture about 40 percent of people they target in such sweeps.

Targets often elude authorities because agents don't have search warrants and advocacy groups have waged public awareness campaigns urging people not to open their doors. Other times, agents have outdated addresses or targets are not home.

It was unclear how many people would have eluded capture without the mayor's warning but Homan squarely blamed her for 800 and said her actions jeopardized officer safety.

"There's over 800 significant public safety threat criminals, these are people who are here illegally and committed yet another crime, been convicted of a crime," he told Fox. "She gave them warning, and there's 800 that we were unable to locate because of that warning, so that community's a lot less safe than it would have been."

Homan's statement of 800 missed targets — plus the 150 arrests — in only three days suggests an unusually large operation by the agency's standards. Two weeks ago, it arrested 212 in a five-day operation in the Los Angeles area. A Texas operation in February resulted in 145 arrests over seven days.

The agency said about half of the people arrested in the San Francisco area have criminal convictions in addition to immigration violations, including convictions for assault, weapons offenses and driving under the influence. It is impossible to independently verify that claim because the

agency refuses to name them. Its statement released Wednesday identified only one arrest by name.

Schaff on Saturday issued a statement on Twitter that she learned from "multiple credible sources" that an immigration operation was imminent in the San Francisco area, including Oakland, possibly within 24 hours.

The mayor, who is running for another term this year, defended her actions again on Wednesday, saying she was not tipped off by "official sources" and that she didn't reveal specific locations.

Asked about Homan likening her to a gang lookout, she said the "Trump administration is trying to distract the American people, convince them that these immigrants are dangerous people. That could not be further from the truth and it is based in racism."

Lara Bazelon, an associate law professor at the University of San Francisco, said it was highly unlikely that the mayor would be prosecuted.

"It's a tall order for ICE to show that she was obstructing justice because they would have to show she knew they were going after specific people and I just don't see the evidence for that," she said.

The warring words are the latest sign of escalating tension between California officials and the Trump administration over immigration enforcement and "sanctuary" jurisdictions. Homan vowed that immigration agents would have a stronger presence in California since a state law took effect in January to sharply limit cooperation between state and local law enforcement and federal immigration authorities.

San Francisco Public Defender Jeff Adachi, who attended a protest outside the agency's San Francisco office, said immigration officials did not respond to his demand that attorneys be allowed to interview people detained in the operation.

Booking logs at the Sacramento County jail show at least 12 people booked there by the agency on Sunday.

Dozens of protesters marching outside the agency's offices in San Francisco after Homan spoke chanted, "Shut down ICE!" David Chiu, a Democratic state assemblyman, said Trump "has declared war on our immigrant communities."

"We're here to stand united and say we do not want him ripping apart our families, ripping apart our economy, ripping apart California," he said.

Homan, in announcing the arrests late Tuesday, renewed his warning that California's limits on cooperating with ICE in local jails will lead to a bigger presence of immigration agents on the streets.

"Sanctuary jurisdictions like San Francisco and Oakland shield dangerous criminal aliens from federal law enforcement at the expense of public safety," he said.

Defenders of so-called sanctuary city practices say they improve public safety by promoting trust among law enforcement and immigrant communities and reserving scarce police resources for other, more urgent crime-fighting needs.

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## **Acting ICE Director To Oakland Mayor: 'We're Not Going Away'**

By Ayanna Alexander

Politico, February 28, 2018

The U.S. Immigration and Customs Enforcement acting director has a message for the Oakland mayor who warned residents of an immigration raid: "We're not going away."

Acting ICE director Thomas Homan told Fox News Wednesday morning that the organization will still enforce the law, despite Oakland Mayor Libby Schaaf's warning of the Northern California ICE operation.

"I'll say this to the mayor and every other politician that wants to vilify the men and women of ICE: We're not going away, we're going to keep enforcing the law," Homan said.

Schaaf issued an alert last Saturday after she learned of impending immigration raids set to take place Sunday.

"Earlier today, I learned from multiple credible sources that the U.S. Immigration and Customs Enforcement (ICE) is preparing to conduct an operation in the Bay Area, including Oakland, starting as soon as within the next 24 hours," she said, according to the San Francisco Chronicle on Saturday. "As Mayor of Oakland, I am sharing this information publicly not to panic our residents but to protect them."

Homan was among a few law enforcement officials who weren't pleased with Schaaf's alert. While ICE arrested more than 150 people, Homan also highlighted that failed to locate at least 800 arrests due to Schaaf's warning.

"Being a law enforcement officer is already dangerous enough, but to give the criminals a heads up that we're coming in the next 24 hours, increases that risk," he said. "I watch her statement when she said her priority is the safety of her community, but what she did has the exact opposite effect."

## **ICE Attacks Oakland Mayor For Warning Residents About Immigration Sweeps, Says 800 Criminals Eluded Capture**

By Alene Tchekmedyan

Los Angeles Times, February 28, 2018

The war of words between the Trump administration and officials in California over immigration intensified around federal sweeps in the north of the state that ended with more than 150 arrests.

Over the weekend, Oakland Mayor Libby Schaaf alerted residents that she had heard from multiple sources that Immigration and Customs Enforcement agents would be conducting operations there imminently; she urged those in the country illegally to take precautions.

Oakland, like many California cities, has declared itself a sanctuary for those here illegally, and officials there have vowed to fight President Trump's immigration crackdown.

Schaaf has been praised and condemned for giving residents advance notice.

ICE's acting director, Thomas D. Homan, blasted Schaaf.

"The Oakland mayor's decision to publicize her suspicions about ICE operations further increased that risk for my officers and alerted criminal aliens — making clear that this reckless decision was based on her political agenda with the very federal laws that ICE is sworn to uphold," Homan said in a statement on Tuesday.

Speaking on "Fox and Friends," Homan added that the mayor's warning help an estimated 800 "criminal aliens" avoid capture but did not elaborate on how he came up with that number. He also said federal authorities were examining her actions.

"What she did is no better than a gang lookout yelling 'police' when a police cruiser comes in the neighborhood, except she did it to a whole community. This is beyond the pale," he said.

Schaaf stood by her decision.

"My statement on Saturday was meant to give all residents time to learn their rights and know their legal options," Schaaf said Tuesday in a statement. "It was my intention that one mother, or one father, would use the information to help keep their family together.

"I do not regret sharing this information. It is Oakland's legal right to be a sanctuary city and we have not broken any laws. We believe our community is safer when families stay together," she said in a statement.

In ICE's three-day sweep across Northern California, agents arrested more than 150 people suspected of violating immigration laws, the agency said in the same statement that criticized Schaaf.

About half of those arrested have criminal convictions, the agency said.

Homan said 864 immigrants with criminal histories are still at large despite the raids that led to arrests in cities including Stockton, Sacramento, San Francisco and Bay Point. He blamed Schaaf in part.

"I have to believe that some of them were able to elude us thanks to the mayor's irresponsible decision," Homan said.

Among those at large are Oakland residents with multiple prior removals, said James Schwab, a spokesman for ICE in San Francisco, a field office that spans 49 counties from Bakersfield to the Oregon border. They include

someone convicted of carrying a loaded firearm and selling drugs, and another suspected of transporting cocaine and having sex with a minor, he said.

Immigration detainers lodged against them have been "repeatedly ignored," Schwab said. "Instead they have been released back into the community to potentially reoffend."

In fiscal year 2017, ICE arrested 20,201 people across the state, Schwab said. Of those, he said, 81% had criminal convictions.

Some immigration activists said the Oakland mayor's actions had unintended consequences.

"The main reaction that people have had has been fear, unfortunately," said Eleni Wolfe, immigration program director at Centro Legal de la Raza, an Oakland-based advocacy group, in an interview earlier this week. "It's terrifying to hear about the potential of increased enforcement action, and unfortunately that's the main message that they heard."

Others rallied to Schaaf's defense.

"In this particular case, in this day and time, we need to tell people that they got to keep their families whole," Assemblyman Miguel Santiago (D-Los Angeles) said. "That's what it really comes down to."

UPDATES:

4 p.m.: This post was updated with comments on "Fox and Friends."

## **ICE Official: 800 Illegal Aliens Avoided Arrest Due To Oakland Mayor's Warning**

By Katherine Rodriguez

Breitbart, February 28, 2018

A top official with Immigration Customs and Enforcement (ICE) announced Wednesday that 800 illegal aliens in Northern California avoided arrest because of an Oakland mayor's warning about ICE raids in the area.

Oakland Mayor Libby Schaaf warned San Francisco Bay Area residents Saturday of potential ICE raids that would take place over the weekend, causing tensions between federal immigration officials and California state officials.

"What she did is no better than a gang lookout yelling 'police' when a police cruiser comes in the neighborhood, except she did it to a whole community," Thomas Homan, acting director of ICE, told Fox & Friends.

Homan said the Justice Department is investigating whether Schaaf obstructed justice. He added that her actions may have allowed criminal illegal aliens to stay in Oakland, making residents feel less safe.

Even after Schaaf's warning, ICE announced Tuesday that the agency arrested 150 illegal aliens during an operation called "Keep Safe."

Half of those taken into custody by ICE agents for being in the country illegally had been convicted of crimes.

Schaaf, a Democrat, said that she does not "regret" divulging information about the raids, even if she is under federal investigation.

"I do not regret sharing this information," Schaaf said. "It is Oakland's legal right to be a sanctuary city and we have not broken any laws. We believe our community is safer when families stay together."

## **Will Oakland Mayor Libby Schaaf Face Federal Charges?**

By Patrick May

San Jose (CA) Mercury News, February 28, 2018

The 150 Northern Californians rounded up this week by immigration agents aren't the only ones facing serious legal challenges from the federal government.

Oakland Mayor Libby Schaaf, who issued a public and controversial warning last weekend that the feds were closing in on suspected undocumented migrants, could also be in hot water as the Department of Justice is reportedly looking into whether obstruction-of-justice charges against the mayor could be filed.

"Lock Libby Up," cried a headline in the conservative leaning Washington Times.

U.S. Immigration and Customs Enforcement officials announced on Tuesday that its agents had made the arrests in a three-day sweep starting Sunday and covering cities that included Sacramento and Stockton in the Central Valley. About half of those arrested for being in the country illegally had criminal convictions, the agency said.

Schaaf, who had said her very public heads-up for families at risk was her "duty and moral obligation," stands by her decision, even though she has since received death threats for doing so. She now faces a growing storm of criticism from the Trump administration and supporters of its efforts to crack down on illegal residents, many of whom live and work in the Bay Area.

Fox News, which was given a ride-along with ICE officers during the operation, reported Wednesday that agency officials were asking the Department of Justice to investigate whether Schaaf had broken any laws by going public with her tip. The Justice Department has not yet announced what, if any, legal actions it would pursue against Schaaf and a spokesperson did not immediately respond to a request for comment.

Fox & Friends host Steve Doocy asked acting ICE director Thomas Homan whether Schaaf's actions constituted obstruction of justice. Homan said the Justice Department is reviewing the matter.

The director also lambasted Schaaf and her city in a statement that suggested the sweep targeted so-called "sanctuary cities" that limit cooperation between ICE and local law enforcement.

"Sanctuary jurisdictions like San Francisco and Oakland shield dangerous criminal aliens from federal law enforcement at the expense of public safety," Homan said. "Because these jurisdictions prevent ICE from arresting criminal aliens in the secure confines of a jail, they also force ICE officers to make more arrests out in the community, which poses increased risks for law enforcement and the public."

Critics from coast to coast, on online forums and on conservative talk-shows on Fox News blasted the mayor. Homan called it an "irresponsible decision" while others accused the mayor of putting federal agents' safety in jeopardy by telling the community that a sweep was coming.

According to a report by Fox News reporter Claudia Cowan, ICE officials plan to ask the U.S. Justice Department to look into whether Schaaf violated any laws and, if so, hold her accountable for protecting anyone breaking the law for being in the country illegally. And Fox commentator Katie Pavlich slammed the mayor on 'America's Newsroom,' saying Schaaf's announcement was reckless.

"Their job is already dangerous enough," Pavlich said, referring to federal agents. "They're going up against hard, criminal aliens who have been convicted of things like murder, rape, criminal aliens who have been deported multiple times and come back into the United States, criminal aliens who are part of transnational gangs like MS-13 and international drug cartels from Mexico."

Of Schaaf's insistence that she was following her moral duty Pavlich referred to the agents and said the mayor's move was "unacceptable, disgusting and it puts their lives at risk."

San Francisco Mayor Mark Farrell released a statement which said the city won't "cower" as the "administration pursues their political plan of haphazardly punishing sanctuary cities."

"We stand with our hardworking, law-abiding immigrant neighbors and we are unified in our response to the divisive rhetoric of this president," Farrell wrote.

## **ICE Feud With Oakland Mayor Over Immigration Raids Gets Personal**

By Carter Evans

CBS News, February 28, 2018

OAKLAND, Calif. — The political battle over sanctuary cities has exploded into a public feud between the head of Immigration and Customs Enforcement (ICE) and Libby Schaaf, the mayor of Oakland, California. It started when the mayor tipped off residents about a federal roundup of people living in the U.S. illegally.

Reaction to the mayor was swift. Some called her office directly, while others posted on Facebook.

"People like you make this country much more dangerous," one post read.

A video shows one of the 150 undocumented immigrants being arrested in a multi-day, targeted sweep throughout Northern California, including Oakland.

Acting ICE Director Thomas Homan didn't hold back Wednesday.

"It's beyond the pale," Homan said. "I've been doing this for 34 years and this is a whole new low – to intentionally warn criminals that law enforcement is coming. I just can't believe it happened."

"She gave them warning," he said. "And there's 800 that we were unable to locate because of that warning."

Oakland Mayor Libby Schaaf looks on during an assembly at Edna Brewer Middle School about the U.S. Constitution on January 19, 2018 in Oakland, California.

Justin Sullivan/Getty Images

At Oakland City Hall, the mayor was unapologetic about tipping people off to the recent roundup. She said she's even willing to go to jail to protect Oakland's sanctuary city status.

"Every day as the mayor of Oakland I make decisions that are criticized. That comes with the job," she said.

CBS News pointed out that she is being accused of protecting people with criminal records.

"What I did was my job as the mayor of Oakland and reflective of the values of the people that I represent," she responded.

Under President Trump, immigration arrests are up 42 percent compared to under former President Obama. While criminal arrests under both administrations were about the same, 24,443 vs. 25,626, non-criminal arrests – 3,121 vs. 13,548 – saw a 334 percent spike under Mr. Trump.

Hundreds of protesters took to the streets of San Francisco on Wednesday.

Juan Pierto, an undocumented 25-year-old who has been living in the U.S. for 17 years, said depression is rising in his family.

"Some don't want to go out of their houses and that's no way to live," he said.

ICE said deportations will continue as planned. As for tipping off her community, Schaaf says she'll do it again.

## **Oakland Mayor Libby Schaaf Tipped Off Immigrants About ICE Raid And Isn't Sorry She Did**

By Meagan Flynn

Washington Post, February 28, 2018

On Tuesday night, just after completing a roundup of more than 150 suspected undocumented immigrants, U.S. Immigration and Customs Enforcement said it could have arrested more but for the actions of one person: Mayor Libby Schaaf of Oakland, Calif.

Schaaf learned of the Northern California ICE enforcement operation before it kicked off on Sunday and, in a controversial move, warned the immigrant community ahead of time.

On Saturday, saying she felt it was her moral and ethical duty, she stood in front of television cameras and announced that "multiple credible sources" had informed her that ICE would be making arrests across the Bay Area. She didn't intend to panic the community, she said — only to protect it.

ICE Deputy Director Thomas D. Homan, however, had a different idea of what she was trying to do, saying on Tuesday that he believed some of the 864 "criminal aliens" that still remained at large "were able to elude us thanks to the mayor's irresponsible decision."

"Sanctuary jurisdictions like San Francisco and Oakland shield dangerous criminal aliens from federal law enforcement at the expense of public safety," Homan said in a statement. "The Oakland mayor's decision to publicize her suspicions about ICE operations further increased [risks] for my officers and alerted criminal aliens — making clear that this reckless decision was based on her political agenda with the very federal laws that ICE is sworn to uphold."

Schaaf is unapologetic.

In an interview with The Washington Post on Tuesday, she explained that her decision to tip off immigrants stemmed from a deep disagreement with immigration enforcement under the Trump administration and a resistance to the administration's enforcement efforts.

She had already made her defiance clear last month when she told reporters that she was willing to go to jail to defend Oakland's "sanctuary city" policy of protecting immigrants who are in the country illegally and not cooperating with federal authorities to deport them. She said Tuesday that she was responding to a suggestion from Homan in January that the Justice Department should begin criminally charging California politicians who supported sanctuary jurisdictions. Politicians like her, she said.

Asked by The Post whether she considered herself part of "the resistance" movement — the unofficial title for left-leaning Americans who do not support the Trump administration — she responded with a resounding yes.

"I consider myself a law-abiding citizen. I consider myself a believer in an American democracy that moves towards a more just society. And I definitely consider myself part of the resistance," she said.

As Schaaf decided whether to warn the community Saturday, she said she was thinking of the case of Maria Mendoza-Sanchez, a 46-year-old mother of four and nurse at an Oakland hospital, who, along with her husband, was deported to Mexico after more than 20 years in the United States. Neither she nor her husband had criminal records, as the San Francisco Chronicle reported.

Neither did roughly half of the suspected undocumented immigrants rounded up in ICE's latest North California operation — which, Schaaf said, is what she had feared.

"Maria Mendoza-Sanchez and her husband are an example of a couple that, under the previous administration, were considered low-priority for deportation," Schaaf said. "And under this administration they were ripped away from their family. I was absolutely thinking of them when I made the decision to share the [ICE enforcement] information. I think it's my responsibility as a person in power and privilege to share the information I have access to, to make sure people know what their rights are."

Schaaf had first started fighting against such deportations as a lawyer, before the idea of public office had even crossed her mind, she said.

After graduating from Loyola Law School in Los Angeles, the Oakland native started her career as a lawyer at Reed Smith, a large corporate law firm where she did some work on deportation cases on a pro bono basis. The last case she worked as a lawyer involved a Salvadoran man seeking political asylum, after he had seen his girlfriend raped by soldiers, Schaaf said, and after his home burned down in a fire that killed his baby.

"It's part of what makes me have such deep respect for so many of the immigrants who come to Oakland," she said, "who have been through unspeakable hardships. At the time I defended him, we were the exact same age — not even 30 years old — but had led such unbelievably different lives."

Schaaf soon moved on to co-found a volunteer organization called Oakland Cares, which coordinated various public-service projects around the city, and to spearhead another volunteer group working on projects within Oakland public schools. She took her first job as a city official as an aide to the president of Oakland City Council.

She moved up to work as an aide to then-Mayor Jerry Brown, who went on to become governor, before successfully running for the city council herself. She ran successfully for mayor in 2014, garnering 63 percent of the vote.

Oakland, like its Bay Area neighbors Berkeley and San Francisco, is a bastion of progressive politics. Previous mayors, in addition to Brown, have included former Democratic Rep. Ronald V. Dellums and the first Asian American woman mayor of a major city, Jean Quan.

Under Schaaf's administration, Oakland has raised the minimum wage to \$12.25 an hour, developed the city's first transportation department and created a "cradle-to-career" initiative designed to shepherd children born into poverty to college.

Her tenure has not been without controversy. Just after taking office in 2015, protesters with Black Lives Matter held a rally outside her house complaining that she was prioritizing

meetings with scandal-entrenched police officials over meetings with Black Lives Matter advocates.

A year later, a group called the Anti-Police Terror Project called for her removal from office over those police scandals and escalating tensions between police and communities of color, saying Schaaf was not seeking solutions.

Just last month, another protest sprouted up outside her home, this one from homeless advocates saying Schaaf was not doing enough to further low-income housing, despite her administration saying it was a priority.

Schaaf said she has respected the viewpoints of those criticizing her.

"I've lived in Oakland my whole life, and Oakland has always been a center of social justice," Schaaf said. "In Oakland, the level of activism is so high that anyone in a position of governmental authority is going to be questioned and challenged, and I celebrate that. It's part of our democracy that people speak truth to power, and in Oakland, that is a particularly time-honored tradition."

It was social justice that was on her mind when she tipped off the immigrant community about the ICE raids.

Schaaf has said that she consulted her legal counsel before deciding to act. Because she obtained the information from unofficial sources rather than through formal government channels, she doesn't believe she obstructed justice or violated any law by speaking up.

Critics disagree. Tony Brass, a former federal prosecutor told CBS in San Francisco that "she's on the threshold of obstruction of justice for doing what she did ... because you put agents in danger. You put the police in danger and you put your neighbors in danger."

Marcela Gutiérrez, executive director of the immigrant-advocacy organization SIREN, said that at first reactions within the immigrant community were mixed after Schaaf announced the raid. There had been panic, she said, and a lot of questions: How did the mayor get this information? How does she know it's really going to happen?

Still, Gutierrez said, she and her colleagues took the opportunity to alert the community and provide resources about their legal rights if they were confronted by ICE.

"It really created a mass mobilization," she said. "As advocates, we took [Schaaf's warning] very seriously. When do you hear a mayor of a big city announcing that an ICE attack is going to happen? Never. If she's saying that, it must be true."

## **Trump Vs. California Feud Escalates To All-out Warfare**

By Stephen Dinan

Washington Times, February 28, 2018



The Trump administration's simmering feud with California has turned into all-out warfare over immigration after Oakland's mayor warned illegal immigrants this week of looming sweeps — leading Homeland Security's deportation chief to accuse her of endangering her city and his officers.

Analysts said there was no comparison in recent memory for the sort of bad blood that's developed between President Trump and California's leaders, who have legislated, sued, tweeted and used just about every other tool at their disposal to try to stymie the administration.

Things grew particularly tense this week with Oakland Mayor Libby Schaaf's warning to her city's illegal immigrants that U.S. Immigration and Customs Enforcement was conducting a major operation in the Bay Area.

ICE Deputy Director Thomas Homan compared her to a gang snitch on the lookout for police, and said more than 800 criminal migrants escaped the sweep — some of them almost certainly alerted by Ms. Schaaf's warning.

"This is beyond the pale," Mr. Homan said on Fox News.

California is just one of the states vying for title of chief of the anti-Trump resistance. New York is also in the running, along with Hawaii, each of which have led major lawsuits against the administration.

But California's resistance is broader and deeper, including a statewide sanctuary law that took effect Jan. 1, and lawsuits against Mr. Trump's sanctuary-city crackdown, his border wall plans and his phase-out of the Obama-era DACA deportation amnesty.

In the early rounds of the legal battle, California has scored victories on DACA and sanctuary policy, while the president won the first skirmish over the border wall this week.

That loss prompted state Attorney General Xavier Becerra to fire back, calling the wall "medieval" and promising to "do what is necessary" to stop construction.

Mr. Becerra also backed up Ms. Schaaf in her battle with ICE, saying on Twitter that the law enforcement agency had crossed lines.

"It's becoming sadly clearer that #ICE is losing its focus on #immigration enforcement: rather than focus on people who are dangerous criminals, we hear ICE may be terrorizing communities, including family members who are citizens," said Mr. Becerra, a Democrat and former member of Congress.

The president has gotten personally involved in the fight.

Last week, while talking with officials about ways to combat gun violence in the wake of the Florida school shooting, Mr. Trump singled out California as doing a "lousy management job" in fighting crime.

He threatened to pull federal law enforcement from the state — specifically mentioning ICE personnel and Border Patrol agents. He said he's "thinking about doing it."

"You would see crime like nobody has ever seen crime in this country. And yet we get no help from the state of California," he said. "They have the highest taxes in the nation. And they don't know what's happening out there. Frankly it's a disgrace."

On Wednesday, the president took to Twitter to say he was suspending parts of the border wall that California wants built until the full wall is approved. He did not elaborate on that threat.

His own administration seemed unsure of what to make of the new orders, and said as far as they know nothing has changed.

"ICE is continuing operations," said Homeland Security spokesman Tyler Q. Houlton.

Mr. Houlton also said new fence construction in Calexico, California, is proceeding.

"The funding has already been put in place so that's a congressional thing," he said.

Federal immigration agents also scoffed at the idea they could be pulled out of the state, and questioned the wisdom of the president's threats.

The Trump-California feud could come to a head in mid-March, when the president is scheduled to travel to San Diego to look at the eight prototypes that were built as part of a contest to design the border wall of the future.

Mr. Trump in the past has said he would pick the winner, though Homeland Security officials on Wednesday refused to say whether that was still the plan.

"The selection of the border wall prototypes will be going through the normal course of the procurement process," assistant secretary Jonathan Hoffman said.

Some conservative states regularly battled President Obama, with Texas leading the way in suing to stop his immigration and environmental policies. Arizona, meanwhile, took the lead on legislation, passing laws that attempted to crack down on illegal immigration.

Those laws were largely blocked by the Supreme Court.

Mark Krikorian, executive director at the Center for Immigration Studies, said the difference was Arizona was trying to push a reluctant Obama administration to fully enforce federal laws. California, he said, is attempting to thwart an administration that is finally determined to carry out those laws.

"We haven't seen this kind of animosity between a state and the federal government since 1865," he said.

He doubted either side will give in, and said an escalation is more likely.



"I think what will turn the dial up to 11 on this is if and when a city or state official is criminally prosecuted either for obstruction of justice or harboring illegal aliens," he said.

Mr. Homan has already set the stage for that move. He suggested last year that officials from sanctuary cities could face federal charges. Homeland Security Secretary Kirstjen Nielsen told Congress last month that she's officially asked the Justice Department to look into that move.

A senior administration official this week declined to comment on that possibility.

## **Immigration Agency Rails Against Oakland Mayor's Warning Of Raids**

By Thomas Fuller

New York Times, February 28, 2018

SAN FRANCISCO — A top federal official likened Mayor Libby Schaaf of Oakland to a "gang lookout" on Wednesday, saying her warning of an impending, large-scale arrest operation had given immigrants in the United States illegally the opportunity to flee.

Ms. Schaaf had announced on Saturday that she had learned through "unofficial channels" that the federal Immigration and Customs Enforcement agency, or ICE, was planning arrests in the area.

"I know that Oakland is a city of law-abiding immigrants and families who deserve to live free from the constant threat of arrest and deportation," she said in a statement that circulated widely on social media over the weekend. "I believe it is my duty and moral obligation as mayor to give those families fair warning when that threat appears imminent."

The mayor's warnings proved correct. Since Sunday night, ICE officers have arrested more than 150 people in Northern California in an operation ICE said was targeting "public safety threats."

But ICE officials said the mayor's warning jeopardized officers' safety, and said that hundreds more undocumented immigrants they had planned to arrest may have eluded the agents after the tip-off.

In a statement, the agency's acting director, Thomas D. Homan, called Ms. Schaaf's announcement a "reckless decision" made for political purposes.

Speaking on Wednesday morning on Fox News, Mr. Homan said Ms. Schaaf's warning was "no better than a gang lookout yelling 'Police!' when a police cruiser comes in the neighborhood, except she did it to an entire community."

The fight between ICE officials and Ms. Schaaf added a fresh layer of acrimony to a battle between the Trump administration, which has stepped up efforts to detain and deport unauthorized immigrants, and California officials determined to resist the president's agenda.

State laws passed in the last year limit the ability of local police to cooperate with federal immigration officials,

and require employers to warn their workers whenever ICE makes a request for employee paperwork, which could give any undocumented employee the chance to leave before federal agents detect their presence.

President Trump, meanwhile, has singled out California for attacks and derision, saying its policies were letting dangerous immigrants live freely in the United States. Mr. Homan, the ICE chief, had promised to increase enforcement in California, saying in January that the state had "better hold on tight."

James Schwab, a spokesman for ICE in San Francisco, said agents were targeting around 1,000 people in the area, which appeared to be one of the largest operations since Mr. Trump took office. Mr. Homan blamed the mayor's warning for agents not being able to detain 800 people they had targeted in recent days.

One official briefed on the plans for the operation at the Department of Homeland Security, which includes ICE, said that ICE agents typically find only about 30 percent of their targets during any large sweep. The official, who was not authorized to discuss the operation, declined to be identified.

The 30 percent rate would suggest that while some immigrants may have benefited from the tip-off, it is unlikely that 800 of them did, as Mr. Homan suggested.

Immigration advocates have occasionally sought to warn of rumors of impending ICE arrests, but Ms. Schaaf's decision was striking because it came from the mayor of one of California's largest cities.

Ms. Schaaf, the mayor since January 2015, has been a strong promoter of Oakland's diversity, including its large population of immigrants, who make up around a third of the city's 420,000 residents.

In an interview on Wednesday, the mayor said she did not regret her decision to issue advance warning.

"I still contend that what I did was both legal and moral," she said, batting away a suggestion made during Mr. Homan's appearance on Fox News that she could have obstructed justice. "I did not provide any specific detail that could have endangered law enforcement."

A Bay Area liberal standard-bearer in a decidedly liberal city, Ms. Schaaf has been an unshrinking critic of Mr. Trump, whom she has called the "bully in chief."

She said she interpreted the raids as both racist and politically motivated, targeting liberal California.

"The Trump administration and ICE officials have been very transparent that they are retaliating against California for its political position," she said.

The president, she said, "is trying to equate immigrants with dangerous criminals."

Although Ms. Schaaf said she had information that ICE had been targeting people in Oakland, she had not heard of any arrests taking place in the city.

Immigrant advocates reported arrests by ICE in Merced, Contra Costa, Sacramento, Monterey and Napa Counties — an area much broader than just the San Francisco Bay Area. On Wednesday, several dozen protesters gathered outside the ICE office in San Francisco, chanting support for undocumented immigrants and writing "KEEP FAMILIES TOGETHER" across an intersection.

While the Obama administration focused arrest efforts on undocumented immigrants who had committed crimes in the United States, Mr. Trump has made clear that anyone in the country without permission can be arrested. Last year, immigration arrests nationwide rose by more than a third from the previous year, in large part because officers have more freedom to detain unauthorized immigrants with no criminal record.

Still, the administration has made a point of highlighting the criminal pasts of undocumented immigrants. Around half of those arrested in Northern California in recent days had previous criminal convictions in addition to immigration violations, said Mr. Schwab, the ICE spokesman.

An ICE statement said some had lengthy criminal records, including one, Armando Nuñez-Salgado, whom the agency called a "documented Sureño gang member" who had been deported four times and who over the past 18 years had accumulated convictions — it listed burglary and hit-and-run causing injury — resulting in more than 15 years in prison.

Mr. Schwab would not say on Wednesday whether the arrest operation was continuing, but he said the agency would issue a statement once it was completed.

## **War Of Words: ICE Compares Schaaf To 'Gang Lookout'; Schaaf Decries 'Racist' Crackdown**

By Hamed Aleaziz and Jenna Lyons

San Francisco Chronicle, March 1, 2018

Federal officials and Oakland Mayor Libby Schaaf traded bitter accusations Wednesday over Schaaf's decision to alert the public about a multiday Northern California immigration sweep that the Trump administration launched to counter local sanctuary laws.

Thomas Homan, acting director of U.S. Immigration and Customs Enforcement, compared the mayor's warning on Saturday night — hours before ICE agents began knocking on doors and making arrests — to a "gang lookout yelling 'police'" in an appearance on Fox News.

Schaaf responded, in a news conference and on radio, by assailing the administration's immigration crackdown as racist.

The war of words marked what could be a new low in the relationship between federal officials frustrated with sanctuary policies and liberal California leaders who have opposed President Trump's tightening of immigration and his

assertions that undocumented people bring danger to the country.

While ICE arrested more than 150 undocumented immigrants in the first three days of this week's operation, Homan said, "There's 800 that we are unable to locate because of that warning, so that community is a lot less safe than it would have been."

Schaaf's warning "is no better than a gang lookout yelling 'police' when a police cruiser comes in the neighborhood, except she did it to the entire community," Homan said. "I'll say this to the mayor and every other politician that wants to vilify the men and women of ICE — we are not going away, we are going to keep enforcing the law."

Schaaf made clear she wasn't backing down either. Speaking in her office, the mayor said she stood by her decision to reveal an operation she learned about from confidential "credible sources."

"I hope we take this moment to recognize that we have to fight against the racist myth that the Trump administration is trying to perpetuate — that immigrants are dangerous criminals," Schaaf said. "There is nothing further from the truth. This is racist and it is false. Ample evidence shows that American-born citizens are actually more likely to commit crimes than immigrants."

"Just as I'm being criticized I'm also being thanked," the mayor said. "Thanked for standing up for our most vulnerable residents that often don't have a voice. I am hopeful that it gave comfort and security to many people in Oakland."

California Attorney General Xavier Becerra said Wednesday he was gathering more information on this week's ICE operation while encouraging immigrants, employers and others to know their rights.

"It's becoming sadly clearer that ICE is losing its focus on immigration enforcement," Becerra said. "Rather than focus on people who are dangerous criminals, we hear ICE may be terrorizing communities, including family members who are citizens."

ICE said Tuesday that roughly half of those arrested since Sunday in Northern California had criminal convictions, including for violent offenses including assault with a deadly weapon. House Democratic leader Nancy Pelosi, of San Francisco, seized upon that statistic to criticize the sweep, called Operation Keep Safe.

"This raid was intended solely to terrorize innocent immigrant families and instill fear in the hearts of our communities," Pelosi said, "not to keep Americans safe."

In downtown San Francisco, hundreds of protesters gathered Wednesday afternoon outside ICE's Northern California headquarters, chanting slogans and carrying signs that read "ICE out of SF" and "Undocumented and unafraid." San Francisco Mayor Mark Farrell was among local politicians who attended the event to support advocates.

"It's ridiculous to have all these families broken apart," said Maribel Rodriguez, a 33-year-old San Francisco resident who listened to the speeches outside the ICE building on Sansome Street. "At the end of the day, family unity is what really matters, and it's heartbreaking to see families being taken apart."

The immigration law firm Pangea Legal Services said ICE had put "unnecessary barriers" between attorneys and those arrested, including not allowing lawyers to pass information to detainees who may want representation. Attorneys said people arrested were sent to a processing center in Stockton, even though individuals would typically be processed in San Francisco.

San Francisco Public Defender Jeff Adachi also sent a letter to ICE on Wednesday demanding access to detainees.

James Schwab, an ICE spokesman in San Francisco, said in a statement that the agency "respects the rights of all aliens in removal proceedings to hire and consult with a lawyer of their choice and has policies in place to ensure that aliens may do so to the extent required by federal law, but a local politician has no authority to make 'demands' of the agency concerning such rights."

The Chronicle reported in January that federal officials were planning the operation. The Trump administration has repeatedly taken aim at sanctuary laws in California, which restrict cooperation between local authorities and ICE in an effort to convince undocumented immigrants they don't need to live in the shadows.

Homan has said that because of sanctuary laws, the agency would double down in the state and would have "no choice but to conduct at-large arrests" due to the agency's inability to pick up individuals with criminal records from local jails.

He has warned that ICE officers will inevitably come across other undocumented immigrants in the course of targeted actions and make what are known as collateral arrests. Arrests of undocumented immigrants without criminal convictions have risen sharply under the Trump administration.

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## **Protesters Descend On ICE San Francisco Headquarters After Immigration Raids**

Huffington Post, February 28, 2018

SAN FRANCISCO — Hundreds of activists gathered on Wednesday outside the U.S. Immigration and Customs Enforcement building here to protest the arrests of more than 150 undocumented immigrants in recent days.

Local activist groups organized the "emergency rally" to respond to the mass arrests in Northern California, just two

weeks after more than 200 people were arrested in similar raids in the Los Angeles area.

Some 200 protesters convened outside the ICE building in downtown San Francisco under an overcast sky, demanding an end to the raids. Several groups of demonstrators surrounded the building, shouting chants, marching, locking arms and carrying signs while police and ICE security looked on.

"We have come together today to show that the Northern California region stands together in denouncing the mass arrests that happened in the last three days," Blanca Vazquez, a media spokesperson for the protest, told HuffPost.

Vazquez said activist groups had learned from ICE that an additional 10 or so arrests were conducted on Wednesday. ICE did not immediately respond to a request for comment.

At least half of those arrested as of Tuesday did not have criminal convictions other than their immigration violations, according to a statement from ICE. Those who did had convictions including "assault/battery, crimes against children, weapons charges and DUI," ICE said.

In a statement on Wednesday, House Minority Leader Nancy Pelosi (D-Calif.) argued that the sweep "was intended solely to terrorize innocent immigrant families and instill fear in the hearts of our communities."

The intended raids came to light on Saturday evening when Oakland Mayor Libby Schaaf told the local immigrant community she'd learned from "multiple credible sources" that, within the next 24 hours, ICE would be conducting operations in the Bay Area, including in Oakland.

Immigrant rights groups were on "high alert" following Schaaf's announcement, Vazquez said.

In statement on Tuesday, ICE deputy Director Thomas Homan criticized Schaaf's decision to warn immigrants of the raids, saying that "864 criminal aliens and public safety threats remain at large in the community... thanks to the mayor's irresponsible decision."

"The Oakland mayor's decision to publicize her suspicions about ICE operations further increased that risk for my officers and alerted criminal aliens — making clear that this reckless decision was based on her political agenda with the very federal laws that ICE is sworn to uphold," Homan said.

Schaaf's move also drew initial criticism from some activists who said her warning may have served to sow panic among immigrant communities. But the mayor stood by her decision, saying Tuesday that she feared the arrests would affect many undocumented immigrants who had no other criminal convictions — which, indeed, turned out to be the case.

Oakland, San Francisco and many other cities and counties in California have declared themselves to be

"sanctuary cities," refusing to work with federal officials to detain and deport undocumented immigrants.

Last summer, the Oakland City Council voted to end an agreement the city had that allowed police to work with ICE. Oakland has since strengthened its status as a sanctuary city by barring city officials from cooperating with ICE in any capacity.

In January, the city doubled down on protecting undocumented residents after immigration agents raided about 100 7-Eleven stores across the country before sunrise to arrest undocumented workers. Dozens of the targeted stores were located in Northern California.

"It is Oakland's legal right to be a sanctuary city and we have not broken any laws," Schaaf said in a statement on Tuesday. "We believe our community is safer when families stay together."

San Francisco interim Mayor Mark Farrell also said his city is committed to maintaining its sanctuary status in spite of the ICE crackdown. "It is important that... everybody knows that we as a city will do everything we can to remain a sanctuary city," Farrell told reporters at Wednesday's protest.

ICE has sent repeated hard-line messages since President Donald Trump took office last year, declaring that undocumented immigrants should "look over [their] shoulder" and that politicians in sanctuary states should be prosecuted.

Under the Trump administration's policies, all undocumented people — not just those with criminal histories — have become targets for deportation. ICE arrests increased by 40 percent during Trump's first eight months in office, compared to the same period the previous year.

ICE officials arrested 212 people and delivered 122 audit notices to businesses in the Los Angeles area earlier this month, and the agency has said it hopes to increase work-site enforcement by 400 percent.

San Francisco activist Ann Jo Foo said her mother immigrated to the United States from China and worked as a seamstress at a sweatshop. "That's how people survive," Jo Foo told HuffPost.

"Immigrant communities are an integral part of our culture and our society, and they make up the heart and soul of our city," she added. "We need to be vigilant and not just turn a blind eye to all the injustices going on right now."

## **Protesters Shut Down City Streets At SF ICE Offices Over Immigration Raids**

San Francisco Examiner, February 28, 2018

Nearly 300 people blocked city streets near the U.S. Immigration and Customs Enforcement offices in San Francisco on Wednesday in protest of immigration raids that resulted in some 150 people being taken into custody across Northern California this week, including at least one in The City.

Protesters blocked off all four intersections surrounding the San Francisco ICE building at 630 Sansome St. for hours as a group including attorneys, students, immigration advocates and city leaders gathered outside.

It is unclear how many of those detained were being held at the facility, and attorneys said they were being denied access to detainees.

"We heard that the detainees were taken out of jurisdiction," said attorney Francisco Ugarte, who manages the recently formed Immigration Unit at the San Francisco Public Defender's Office. Ugarte said some may have been transferred to remote immigration facilities in Stockton and Bakersfield.

Limited information was available to the lawyers working to gain access to the detainees on Wednesday. Jehan Romero, an immigration attorney with Pangea Legal Services, confirmed that 10 people were detained in Napa and one in San Jose in raids this week.

According to Romero, one man was also detained at his San Francisco home on Sunday.

In all, some 30 attorneys were present at the rally vying for access and information about the detainees.

Ugarte said the agency is preventing detainees from exercising their legal right to counsel.

"ICE, as it always does, ignores the laws, federal laws, constitutional laws, and literally tries to prevent people from obtaining attorneys to help them fight their deportation case," he said.

On Wednesday, Public Defender Jeff Adachi and Chief Attorney Matt Gonzalez penned a letter to ICE's chief counsel demanding access to counsel for the unrepresented detainees.

"We want to make sure people understand their rights," said Adachi, adding that, upon arrest, detainees have the right to either request or waive a deportation hearing. "Many people qualify for asylum. There may be other reasons why they can stay. At least by having access to a lawyer, they will understand what their rights are and can make an intelligent decision."

Some protesters — yelling, "Shut ICE down!" — locked themselves together in human chains to block traffic well into the afternoon. Others sat in front of a garage entrance to the building to prevent employees from entering and exiting.

"What we want is for the folks who have been detained in this round of raids to be set free and to be able to have due process if they are still detained," said protester Trilce Santana. Santana, along with other protesters representing a coalition of organizations supporting immigrants, helped blocked the intersection at Sansome and Washington streets.

Speaking through tears, Santana said raids "destroy families, they spread terror, they make communities unsafe because [immigrants] are not able to reach out for services out of fear."

## **'We Had A Civil War Over This': Bush Official Reacts To Mayor's ICE Warning**

Fox News Insider, February 28, 2018

Former Bush White House official John Yoo responded to the mayor of Oakland, Calif., warning illegal immigrants about a pending ICE raid.

Yoo pointed out the United States "had a civil war" when "state officers impeded federal law."

Mayor Libby Schaaf (D) warned Saturday about the impending Immigration and Customs Enforcement raid across the Bay Area.

Tucker Carlson said that ICE officials told him 864 illegal aliens and public safety threats remain at large in the northern California city.

"It's like telling bank robbers the cops are on the way," Carlson said.

Yoo, who served in the Justice Department and now teaches at the University of California-Berkeley, said that "state officers cannot obstruct federal law," noting that "we had a civil war over this."

"You have mayors who are encouraging the subversion of federal law," he said.

Yoo added that Schaaf and others like Chicago Mayor Rahm Emanuel (D) are "coming very close to obstruction of justice."

Carlson also offered descriptions of some of those ICE was unable to nab this month in Oakland.

One man is allegedly a Honduran citizen arrested for cocaine possession and having sex with a minor.

Another is a Mexican national who was previously arrested for driving under the influence and smuggling.

Both people were previously deported but returned to the U.S., Carlson said.

## **ICE Detains 6 More People In Napa County, Sweep Continues In Bay Area**

By Maria Sestito

Napa Valley (CA) Register, February 28, 2018

U.S. Immigration and Customs Enforcement officials confirmed that one Napa resident was been detained in this week's Bay Area operations, but local organizers said Wednesday that there have been at least seven detentions since Sunday.

The Napa man, identified by ICE as 39-year-old Armando Nunez-Salgado, was detained outside of his home on Redwood Road at about 9:30 a.m. Sunday.

Nunez-Salgado is a documented gang member who has been convicted of felony force and assault with a deadly weapon, burglary, and hit and run, according to ICE. An immigration judge ordered that Nunez-Salgado be removed from the U.S. in May 2000 and, since then, he has been

removed back to Mexico several times, most recently in 2010, the agency said.

Napa County court records reveal that a "Armando Nunes-Salgado," age 38, was sentenced to seven years and four months in state prison in 2015 after pleading no contest to felony evading a peace officer, hit and run with injury or death, and failure to appear on felony charges. The sentence was suspended and, instead, Nunes-Salgado was granted five years of probation with a requirement that he complete a long-term residential treatment program, according to court documents.

Although Nunez-Salgado has a criminal record, not all individuals being targeted by ICE do, said James Schwab, ICE spokesman based in San Francisco. While most targeted individuals either have criminal convictions or have received final orders of deportation by a judge, agents do arrest some people who don't have either, he said.

Schwab couldn't say exactly how many people in Napa County had been detained or when the operation would end.

Another six people were detained in Napa County on Wednesday, according to Xulio Suriano, an active participant in the North Bay Rapid Response Network. The network, which includes a 24-hour hotline, provides legal observations during ICE encounters in addition to connecting people local resources.

Suriano said that the network started receiving calls reporting ICE sightings as early as 6 a.m. Wednesday. The first one, he said, was in the area near La Tapatia Market on Brown Street in Napa. It's been confirmed that someone was approached by ICE agents, but, he said, he didn't know whether or not that person was detained.

One person was detained in the area of York Street and Glenwood Drive and another was detained near the 7-Eleven on Sierra Avenue, Suriano said. As far as the network knows, he said, the arrests have been targeted and there haven't been any mass raids in Napa County this week.

Suriano did not have any additional information yet on the six individuals who he says were detained.

The North Bay Rapid Response Network is working on making sure those individuals who were detained get legal services.

"Depending on each case," he said, "they may not get actually deported."

The ICE officers were leaving Napa County by 3 p.m. Wednesday, he said.

More than 150 individuals in violation of federal U.S. immigration laws have been arrested in the Bay Area since Sunday, ICE said in a statement on Tuesday. About half of those people had criminal convictions in addition to their immigration violations, officials said, including convictions for assault/battery, crimes against children, weapons charges and driving under the influence.

"Thanks to the dedicated and professional work of ICE deportation officers, we were able to remove many public safety threats from the streets of the Bay Area during the past few days," ICE Deputy Director Thomas D. Homan said in Tuesday's statement. Homan said that another "864 criminal aliens and public safety threats remain at large in the community."

Homan blamed Oakland Mayor Libby Schaaf for tipping people off in an announcement she made Saturday, warning of the possibility of a weekend ICE operation in various parts of the Bay Area.

"Sanctuary jurisdictions like San Francisco and Oakland shield dangerous criminal aliens from federal law enforcement at the expense of public safety," Homan said. "Because these jurisdictions prevent ICE from arresting criminal aliens in the secure confines of a jail, they also force ICE officers to make more arrests out in the community, which poses increased risks for law enforcement and the public."

"The Oakland mayor's decision to publicize her suspicions about ICE operations further increased that risk for my officers and alerted criminal aliens — making clear that this reckless decision was based on her political agenda with the very federal laws that ICE is sworn to uphold," he said.

Although ICE agents were seen near the Napa County Sheriff's Office on Airport Boulevard on Wednesday, Undersheriff Jean Donaldson said that they were not in the Sheriff's Office parking lot and that deputies were not assisting them in any way.

### **Oakland Mayor Libby Schaaf Is Facing Criticism After Warning Californians About An ICE Crackdown.**

By Molly Olmstead  
Slate, February 28, 2018

Oakland mayor Libby Schaaf on January 19, a day after she said she would be willing to go to jail to defend Oakland's sanctuary city policy.

Justin Sullivan/Getty Images

On Tuesday night, U.S. Immigration and Customs Enforcement arrested more than 150 people in Northern California suspected of being undocumented immigrants. More than 850 others, immigration officials said, slipped through their fingers.

That large number is being blamed on the actions of Oakland's mayor, Libby Schaaf, who on Saturday made the controversial decision to go on television to warn the immigrant community in Oakland that she had heard from "multiple credible sources" that ICE was preparing an immediate, large-scale immigration raid in the Bay Area.

"My priority is for the well-being and safety of all residents — particularly our most vulnerable," she said in a

statement. She also directed undocumented immigrants and their friends and family to a resource about their rights.

ICE Deputy Director Thomas Homan condemned Schaaf's "irresponsible" actions, saying in a statement Wednesday that "sanctuary jurisdictions like San Francisco and Oakland shield dangerous criminal aliens from federal law enforcement at the expense of public safety. ... The Oakland mayor's decision to publicize her suspicions about ICE operations further increased [the] risk for my officers and alerted criminal aliens—making clear that this reckless decision was based on her political agenda with the very federal laws that ICE is sworn to uphold."

Homan also asserted that "ICE does not conduct sweeps or raids that target aliens indiscriminately, and the agency prioritizes public and national security threats, immigration fugitives and illegal reentrants." However, roughly half of the immigrants rounded up in the raid had no criminal convictions.

Schaaf, who worked on deportation cases as an attorney earlier in her career and who has said she felt a moral obligation to warn residents, told the Washington Post on Tuesday that she made the decision as part of the resistance to the Trump administration's immigration enforcement policies.

She told the Post that because she found out about the sweep through unofficial sources and not government channels, she does not think she obstructed justice or broke the law. At least one former federal prosecutor disagrees.

### **DOJ Looking Into Possible Obstruction Charge Against Oakland Mayor Who Warned Of ICE Raid**

By Nicole Darrah  
Fox News, February 28, 2018

The Department of Justice is looking into whether Oakland Mayor Libby Schaaf obstructed justice by warning Northern California residents of an impending raid by U.S. Immigration and Customs Enforcement (ICE).

The agency's acting director, Thomas Homan, told "Fox & Friends" Wednesday morning that the DOJ is "reviewing" whether Schaaf broke any laws by telling her constituents ICE would be raiding the area in order to arrest people violating federal immigration laws.

Acting ICE Director Thomas Homan said the Department of Justice is looking into whether Oakland Mayor Libby Schaaf obstructed justice by warning that ICE officials would soon raid the Bay Area.

Schaaf, a Democrat, posted the warning to Twitter Saturday, writing that "multiple credible sources" told her the immigration agency was "preparing to conduct an operation in the Bay Area, including Oakland, starting as soon as" Sunday.

ICE arrested more than 150 people "in violation of federal U.S. immigration laws" in the San Francisco Bay Area following Schaaf's warning, the agency said Tuesday.

Homan in a statement said that 864 illegal immigrants and public safety threats "remain at large in the community" and blamed Schaaf's warning for their ability to dodge arrest.

"What she did is no better than a gang lookout yelling 'police' when a police cruiser comes in the neighborhood, except she did it to a whole community," Homan told "Fox & Friends." "There's over 800 significant public safety threat criminals ... that we are unable to locate because of that warning, so that community's a lot less safe than it would've been."

The mayor stood by her controversial warning, with a follow-up tweet Tuesday stating that "It is Oakland's legal right to be a sanctuary city and we have not broken any laws. We believe our community is safer when families stay together."

The immigration sweep was the second in California since a statewide sanctuary law took effect last month. Agents arrested more than 200 people earlier this month in the Los Angeles area.

## **Oakland Mayor Defends Warning Of Immigration Raids: I Did The Right Thing**

By Brett Samuels

The Hill, February 28, 2018

Oakland Mayor Libby Schaaf (D) on Wednesday defended her decision to warn residents over the weekend of impending immigration raids, which law enforcement officials said prevented 800 individuals from being located.

"I continue to feel confident that what I did was the right thing and it was legal," Schaaf said at a news conference.

"I did not give specific information that could have endangered law enforcement. I encouraged people to not panic but to know their rights, to know their responsibilities and to know about the unique resources that are available in this community," she continued.

Schaaf warned city residents Saturday night of pending immigration raids in the Bay Area, saying sweeps could occur in the next 24 hours.

Immigrations and Customs Enforcement (ICE) confirmed Tuesday night that it detained more than 150 people who violated U.S. immigration law in "targeted immigration enforcement operations" in the San Francisco area.

ICE chief Thomas Homan on Wednesday morning criticized Schaaf for warning residents of impending immigrations raids, saying she put agents in danger and prevented the agency from locating 800 people deemed public safety threats.

Schaaf said Wednesday afternoon she would take the same action again, despite the backlash. Some have suggested she may have obstructed justice by pre-empting the raids.

"We have to fight against the racist myth that the Trump administration is trying to perpetuate, that immigrants are dangerous criminals. This is racist and it is false," she said.

Schaaf, who was elected in 2015, defended her record on crime, saying homicides and shootings in the city have decreased in recent years. She added that she believes the city is safer when immigrants feel they can come forward to report a crime without fear of being arrested.

## **ICE Chief Says 800 Avoided Arrest Due To Oakland Mayor's Warning**

CBS News, March 1, 2018

SAN FRANCISCO – A federal immigration official says about 800 people living illegally in Northern California avoided being arrested because Oakland Mayor Libby Schaaf warned that immigration raids were upcoming. U.S. Immigration and Customs Enforcement chief Thomas Homan told "Fox and Friends" Wednesday that Schaaf's action was "no better than a gang lookout yelling 'police' when a police cruiser comes in the neighborhood."

Homan says the Justice Department is looking into whether Schaaf obstructed justice.

The mayor warned residents Saturday night of large-scale raids by immigration agents in the San Francisco Bay Area.

The agency on Tuesday said that agents arrested more than 150 people in California after the mayor's warning in a sweep that covered cities from Sacramento to Stockton in California's Central Valley agricultural heartland.

The aim of the operation was to arrest individuals who have violated U.S. immigration laws. Agents worked on leads developed by the local field offices in conjunction with the National Criminal Analysis and Targeting Center (NCATC).

According to a press release, about half of the individuals arrested also had past criminal convictions in addition to their immigration violations, including convictions for assault and battery, crimes against children, weapons charges and DUI.

The operation was a continuation of ICE's efforts to prioritize enforcement against public safety threats, according to officials. A similar operation was conducted in Los Angeles earlier in February. In that operation, 88 percent of those arrested by ICE were convicted criminals.

## **DHS NEWS**

### **Senate Panel Takes Up DHS Authorization – FCW**



By Mark Rockwell

Federal Computer Week, February 28, 2018

The Department of Homeland Security is inching closer to receiving a congressional authorization for the first time in its 15-year history.

The Senate Homeland Security and Governmental Affairs Committee is taking up a bill passed overwhelmingly in the House, and it hopes to produce a final package in a week's time, Chairman Sen. Ron Johnson (R-Wis.) said at a Feb. 28 business meeting.

Johnson is offering a substitute amendment to H.R. 2825, a mechanism that will allow the bill to pass in the House without the need for a conference committee.

Senators are expected to offer about 50 amendments as the bill is considered in committee. Johnson and Ranking Member Sen. Claire McCaskill (D-Mo.) urged lawmakers to keep their amendments to areas of strong bipartisan agreement. That means sticking to topics like acquisition reform and operational streamlining and staying away from hot-button issues like immigration policy.

Johnson is including a measure, proposed and passed in the House, to reorganize and rename the DHS cyber component. The National Protection and Programs Directorate would become the Cybersecurity and Infrastructure Agency under the proposal.

"We could actually get this done next week. We're looking to find the sweet spot for next week," said McCaskill.

Sens. Kamala Harris (D-Calif.) and James Lankford (R-Okla.) are offering an amendment aimed at strengthening cybersecurity around elections and streamlining communications with state election commissions.

"If we have been attacked once, we should assume that was the first of many, and should make sure we have our guard up and we are well prepared for the days ahead," Lankford said.

Johnson and other members are also looking to move DHS oversight under their committee. Currently, multiple committees including Finance, Judiciary, Armed Services and many others have a piece of DHS oversight and hold hearings that critics say distract top agency officials from focusing on their duties.

On the House side, Homeland Security Committee Chairman Rep. Michael McCaul (R-Texas) obtained a memorandum of understanding from other committees of jurisdiction to take the lead on a DHS authorization bill.

Johnson noted that "we could not get that MOU" from Senate committees. He said that he hoped that some Senate panels would be willing to relinquish oversight authority "where it's marginal," to reduce the number of committees DHS reports to.

"Oversight is important, but it needs to be streamlined," Johnson said.

## Senate DHS Reauthorization Bill Likely To Streamline Oversight, Include Election Security

NextGov, February 28, 2018

The Senate version of a Homeland Security Department reauthorization bill is likely to include language strengthening the department's election cybersecurity mission and simplifying the rat's nest of crisscrossed congressional reporting lines, lawmakers said Wednesday.

Senate Homeland Security Committee Chairman Ron Johnson, R-Wisc., has shared a Senate rewrite of the House-passed reauthorization bill, which has already prompted about 75 amendments from committee members, Johnson said during a committee business meeting.

The Johnson bill, which is in the form of an amendment to the House bill, and the committee amendments are not yet public.

The House bill does not limit the myriad congressional committees that have oversight over Homeland Security and its component agencies, an issue that Johnson and Democratic committee members said would be important for the Senate version.

Johnson repeated a plan Wednesday to create a congressional commission that would examine and simplify the department's congressional oversight.

"Fractured congressional oversight means no oversight in my opinion," Sen. Heidi Heitkamp, D-N.D., said.

House Homeland Security Chairman Michael McCaul, R-Texas, has bemoaned jurisdictional overlaps that hinder department oversight.

A memorandum of understanding between key committee chairs at the launch of the current Congress helped McCaul to pass the House reauthorization bill and a separate bill that reorganizes and renames the department's cybersecurity and infrastructure protection division.

Those overlapping oversight lines are largely a result of the ad hoc way Homeland Security was created after the Sept. 11 attacks by moving agencies and offices from elsewhere in government.

If the Homeland Security reauthorization becomes law, it will be the first time the department's work has been codified into law since its initial creation.

One likely amendment to the Senate bill would address the department's efforts to strengthen and modernize state and local election systems against cyberattacks.

Sens. James Lankford, R-Okla., and Kamala Harris, D-Calif., are working together on the amendment, which Lankford said would help Homeland Security communicate directly with states about election cyber threats and speed up security clearances for state election officials.

Lankford and Harris are co-sponsors of the Secure Elections Act, which would give a blanket authorization for



Homeland Security to share information about election threats with states unless the department's secretary determines in writing that there's a reason not to share specific information.

Lawmakers have criticized Homeland Security for being too slow to share information about Russian attempts to penetrate state election systems in advance of the 2016 presidential contest.

In many cases, the department shared information with state government officials, but not with election officials who lacked security clearances.

Other portions of the Senate bill would codify Homeland Security's current operations and various recommendations from its inspector general's offices and the Government Accountability Office, Johnson said.

Both Johnson and the committee's ranking member Sen. Claire McCaskill, D-Mo., pledged to try to limit amendments that will spark partisan rancor and could threaten the reauthorization bill's passage Wednesday.

"One of the things I like to say is that trying to play gotcha with the other side is a little bit like a sugar high," McCaskill said. "It's just rhetoric and it doesn't accomplish anything."

## **BORDER WALL**

### **Trump: California Wall Won't Happen Until 'Whole Wall' OK'd**

By Jill Colvin And Elliot Spagat

Associated Press, February 28, 2018

WASHINGTON (AP) — President Donald Trump threatened Wednesday to prevent construction of a border wall with Mexico in California that the state sued to stop.

In a puzzling early-morning tweet, Trump said he "decided that sections of the Wall that California wants built NOW will not be built until the whole Wall is approved."

California, however, joined four environmental advocacy groups in challenging the wall construction, arguing that Trump's administration had overreached when it waived environmental reviews and other laws.

And Gonzalo Curiel, the federal judge who was taunted by Trump during the 2016 campaign for his Mexican heritage, sided with the president on Tuesday in rejecting California's arguments. Trump hailed the ruling as a "big victory."

The White House did not immediately answer questions about the tweet. The Department of Homeland Security referred questions to the White House.

Trump has been increasingly annoyed at California, castigating the state for limiting its cooperation with federal immigration authorities. Last week, he threatened to pull the U.S. Immigration and Customs Enforcement agency out of the state in reprisal — an idea so unlikely that some of

Trump's staunchest critics dismissed it as bluster amid escalating tensions with the state over its immigration policies.

Trump also has been frustrated in his efforts to get funding for the border wall, one of his central campaign promises. His administration has proposed spending \$1.6 billion to extend the wall 60 miles (96 kilometers) in Texas and replace 14 miles (22 kilometers) in California, specifically in San Diego. It wants \$1.6 billion to extend the wall 65 miles (104 kilometers) next year, all of it in Texas. Congress has yet to approve the spending.

Eight prototypes meant to serve as a guide for future designs were completed in San Diego in October. And construction began last week to replace slightly more than 2 miles (3.2 kilometers) of wall in Calexico, California, the first wall contract that the administration awarded outside of the prototypes. Both projects carry a relatively small price tag and were funded last year.

Trump is scheduled to visit the wall prototypes in San Diego in mid-March, according to a U.S. official. Another person familiar with the visit said Trump would also go to Los Angeles for a fundraiser in his rare foray into California. Both people spoke on condition of anonymity because they were not authorized to discuss the visit publicly.

A Border Patrol spokesman in the sector that includes construction in Calexico said he was unaware of the president's tweet but insisted work there was not part of the president's planned wall. On Wednesday, crews continued to work on replacing a 1990s-era barrier with 30-foot-high (9-meter-high) bollards. The project is expected to take up to 300 days.

Imperial County Supervisor John Renison, who represents Calexico, said he supports the design being used there because people can see through it but opposes a wall generally. He was unaware of the president's tweet or any change of plans.

"We do not support a wall, obviously, and let me make that very clear," Renison said. "It's like the old Berlin. You're separating countries, and you're creating animosity, and it's not good."

California Attorney General Xavier Becerra, a Democrat, has adamantly opposed Trump's plans, saying Tuesday in response to the court ruling that a "medieval wall along the U.S.-Mexico border simply does not belong in the 21st century."

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### **Trump: We're Delaying California Border Wall Until Entire Project Is Approved**

By Louis Nelson

Politico, February 28, 2018

President Donald Trump declared online Wednesday that his administration would not push forward with plans to build the California section of his promised wall along the U.S.-Mexico border until the entire project is approved.

"I have decided that sections of the Wall that California wants built NOW will not be built until the whole Wall is approved," the president wrote on Twitter. "Big victory yesterday with ruling from the courts that allows us to proceed. OUR COUNTRY MUST HAVE BORDER SECURITY!"

Trump's tweet seemed an apparent reference to his administration's efforts to build prototype walls in California and replace sections of fencing along the California-Mexico border. U.S. District Court Judge Gonzalo Curiel, whom Trump once said was incapable of fairly presiding over a case in which he was a defendant because of his Mexican ancestry, rejected on Tuesday lawsuits brought by the state of California and environmentalists over the government's prototype and fence-replacement efforts.

It was not clear what Trump meant in suggesting that "California wants" a border wall "now," since the state opposed his administration's efforts. White House spokespeople did not immediately return emails seeking further clarity regarding the president's post and whether the administration intends to delay work in California even after securing a judicial victory.

The press office for California Attorney General Xavier Becerra did not immediately return a request for comment.

Josh Gerstein and Ted Hesson contributed to this report.

## **Trump Threatens To Delay Border Work In California, Baffling Many**

By Noah Bierman

Los Angeles Times, February 28, 2018

President Trump on Wednesday threatened to delay building border barriers in California until his long-promised border wall is built elsewhere, seemingly slinging another arrow in his running battle with the nation's most populous state.

"Sections of the Wall that California wants built NOW will not be built until the whole Wall is approved," Trump declared in an early morning message on Twitter.

His tweeted threat confused just about everyone involved in the fight over border protection. If the goal was to gain leverage in the fight over the wall, the warning shot seemed oddly aimed: California state officials have fought vigorously against Trump's border wall project, his top priority as a presidential candidate, even going to court to try to block it — an effort that lost a round on Tuesday. They haven't been clamoring for construction of new border fences.

Administration officials could not point to any change in policy — either proposals or executive actions — to accompany Trump's tweet. Nor were officials sure what "sections of the wall" Trump was referring to as elements that "California wants."

There are several current projects to upgrade existing border fences in Southern California, but neither the White House nor the Department of Homeland Security responded to questions about whether Trump meant to delay any of those, and there was no sign that construction would stop. Border officials in San Diego and El Centro also declined to comment on Trump's tweet.

Instead of any sudden policy shift, officials said privately, the tweet seemed to reflect the president's continued anger at California officials over their resistance to his immigration policies.

As such, the tweet appears to be another example of a growing list of statements that show a disconnect between Trump's roles as tweeter in chief and chief executive.

Trump rose to prominence as a provocative commentator on public affairs, and he consistently has caught his own advisors off guard with his impulsive Twitter finger. He has often seemed unwilling or unable to adjust to the power a president's words can have to set national policy.

Instead, government officials have adjusted, ignoring his remarks in some cases, undermining them in others.

Last year, for example, Trump surprised advisors with public statements demanding a ban on transgender people serving in the military, an order the Pentagon sidestepped and is now recommending that Trump drop. He also publicly said several times that he had ordered that oil and gas pipelines be constructed from American-made steel, an order that never actually existed and has since been dropped from his speeches.

In some cases, such as Trump's insistence that the 2016 election was riddled with fraud, his words prompted administration officials to undertake elaborate measures with committees, executive memos or contorted statements of their own. In others, his staff has simply waited for the president's attention to move on.

The missive about the border wall came, as many Trump tweets do, after a discussion of a related topic on "Fox & Friends," the president's favorite morning television show. Based on his other Wednesday morning tweets, he appeared to be watching the show on a roughly 20-minute delay.

The show's hosts began a segment with a discussion of Tuesday's order from a federal judge in San Diego who ruled that the administration did not abuse its authority in waiving some environmental laws and other regulations when it began building new barriers and demonstration projects in Southern California. U.S. District Judge Gonzalo Curiel, who ruled in the case, is the same judge Trump disparagingly

called "a Mexican" during his 2016 campaign, even though the judge was born in the United States.

The hosts then went on to lash California officials for supporting sanctuary policies that discourage local cooperation with federal immigration authorities. The Fox hosts showed a quote from Mark Farrell, San Francisco's interim mayor, who pledged to "always remain a sanctuary city." They also lambasted Oakland Mayor Libby Schaaf for warning local residents ahead of immigration raids conducted this week.

The hosts also spoke of Trump's desire to win \$25 billion to build a wall "the way the president is used to doing things, in a comprehensive way."

Trump appeared to be reacting to the combination of those stories.

"I think what he's trying to do is bully his way to get some Democratic congresspeople and some Republican congresspeople to vote for wall funding, which is going nowhere," said Daniel Benavidez, who worked until October as a communications consultant for the National Border Patrol Council, the union representing border agents.

But Trump's threat seems unlikely to create much leverage for him; there is little excitement in California over the idea of spending a lot more for new barriers, even from border agents.

"In my three years, I don't think anybody brought up 'We need more border walls, more interior infrastructure'" in Southern California, said Gil Kerlikowske, a former commissioner of U.S. Customs and Border Protection in the Obama administration. He said he heard more interest in a solid wall from border patrol chiefs in the Rio Grande Valley in Texas, where 68,000 unaccompanied children crossed in 2014.

Benavidez said agents he has spoken with believe double fencing — rather than a wall — is sufficient in most areas because it helps protect agents from getting hit by rocks. He agreed that solid walls make sense in a handful of locations, including the Rio Grande Valley.

Elected officials didn't offer much hint that Trump's words had moved them.

Even the current border upgrades are "not a priority in our view," said Drew Hammill, a spokesman for House Minority Leader Nancy Pelosi of San Francisco.

Rep. Scott Peters (D-San Diego) said a full wall on the border isn't needed.

"If he wants to waste that money in some other part of the country, that's fine with me," he added.

Rep. Duncan Hunter (R-Alpine) issued a statement calling a border wall a necessity but not endorsing Trump's threat.

"While I certainly understand the President's frustration with irresponsible California policies and politicians, national

security requires that we remain diligent in all aspects," he said.

As has been the case for months, Trump appeared to be counting any sort of upgrade in border fencing as part of his proposed "wall."

Along the nearly 2,000 miles of the U.S.-Mexico border, each border patrol sector has identified what stretches of new or improved barriers should be priorities. Even though Trump's tweet said he would delay sections of the wall that "California wants," those decisions generally are made by the federal government, not the state.

Several sections of the border in California are already getting upgraded barriers and other improvements.

There's a fence upgrade project in Calexico, for example, that the Border Patrol just last week touted as part of the "border wall." The government also has spent hundreds of millions of dollars as part of a years-long project to upgrade the San Ysidro border crossing.

Local officials said they did not know of any changes to current border construction projects.

One agent, who declined to be named, said that workers are still going forward with replacement fencing on the west side of downtown Calexico. The project, which officials began planning in 2009, will swap just over two miles of barrier made from Vietnam War-era landing mats for 30-foot bollards — posts placed close together that keep people from passing through but allow agents to see what's happening on the other side.

A similar project is slated to begin in the San Diego area later this year. It does not have an official start date.

Those two projects, along with border wall prototypes recently built in San Diego, were the subject of Judge Curiel's ruling against state officials and environmental groups that tried to halt construction.

Times reporters Bierman and Wire reported from Washington; Morrissey, of the San Diego Union-Tribune, reported from San Diego.

## **Perhaps To State's Delight, Trump Vows Not To Prioritize Wall On California Border With Mexico**

By David Nakamura And Matt Zapposky

Washington Post, February 28, 2018

President Trump seems to have done for California what a federal judge would not: halt plans for the border wall he has promised with Mexico. At least temporarily.

A day after U.S. District Judge Gonzalo Curiel ruled that the Trump administration had the right to waive environmental laws and other restrictions to move forward on the project, Trump tweeted that he would not do so until the entire wall was approved by Congress.

I have decided that sections of the Wall that California wants built NOW will not be built until the whole Wall is approved. Big victory yesterday with ruling from the courts that allows us to proceed. OUR COUNTRY MUST HAVE BORDER SECURITY!— Donald J. Trump (@realDonaldTrump) February 28, 2018

In his tweet, Trump suggested that Democratic-led California wanted to move forward "NOW" but, in fact, the lawsuit brought by advocacy groups and the state's attorney general had attempted to handcuff the administration. California has opposed many of the Trump administration's immigration policies, including his efforts to force "sanctuary cities" to comply with federal immigration operations.

Congress has not authorized funding for the wall, and the Senate rejected four immigration bills this month that would have provided up to \$25 billion in federal funding for the project. The president is planning a visit to San Diego in two weeks to view prototypes for the wall.

It's not clear what Trump meant when he referred to the "whole Wall" in his tweet. During the campaign, he suggested a wall across virtually the entire southwest border, up to 2,200 miles. More recently, his administration, and the president himself, has estimated about 700 miles of walls and barriers would be sufficient.

In a 101-page opinion, Curiel wrote that the government had the authority to waive environmental laws and proceed with its border wall. Curiel, who Trump once suggested would be biased against him because of the judge's "Mexican" heritage, wrote that he was "aware that the subject of these lawsuits, border barriers, is the subject of heated political debate in and between the United States and the Republic of Mexico as to the need, efficacy and the source of funding for such barriers," but that he could "not consider whether underlying decisions to construct the border barriers are politically wise or prudent." The decision granting summary judgment is an unequivocal win for the Department of Homeland Security and the Justice Department, although those who had sued to slow construction said they would look to a higher court to intervene.

"We intend to appeal this disappointing ruling, which would allow Trump to shrug off crucial environmental laws that protect people and wildlife," said Brian Segee, a senior lawyer at the Center for Biological Diversity, one of the groups suing. "The Trump administration has completely overreached its authority. . . . They're giving unprecedented, sweeping power to an unelected agency chief to ignore dozens of laws."

The Department of Homeland Security said it "looks forward to building the wall where our frontline operators say it is needed and in accordance with all applicable laws."

## Trump Continues To Vent Against California

By Jill Colvin And Elliot Spagat

Associated Press, February 28, 2018

WASHINGTON — President Donald Trump lashed out at California on Wednesday, threatened to prevent construction of a border wall in a state that sued to stop it.

In a puzzling early-morning tweet, Trump said he "decided that sections of the Wall that California wants built NOW will not be built until the whole Wall is approved."

"OUR COUNTRY MUST HAVE BORDER SECURITY!" he wrote.

California, however, joined four environmental advocacy groups in challenging the wall construction, arguing the Trump administration had overreached when it waived environmental reviews and other laws.

And Gonzalo Curiel, the federal judge who was taunted by Trump during the 2016 campaign for his Mexican heritage, sided with the president on Tuesday in rejecting California's arguments. Trump hailed the ruling as a "big victory."

The White House did not respond to questions about the tweet and what parts of the wall Trump believes California wants constructed. Department of Homeland Security spokesman Tyler Houlton said he was "not going to talk about hypotheticals" and said "the president speaks for himself."

Trump has been increasingly annoyed at California, castigating the state for limiting its cooperation with federal immigration authorities. Last week, he threatened to pull the U.S. Immigration and Customs Enforcement agency out of the state in reprisal — an idea so unlikely that some of Trump's staunchest critics dismissed it as bluster amid escalating tensions with the state over its immigration policies.

Trump's acting ICE director, Thomas Homan, has threatened to increase its enforcement footprint in the state, including adding deportation officers, warning, "California better hold on tight."

The border wall with Mexico was one of Trump's central campaign promises, but Congress has so far balked at requests to fund the project. Trump has also refused to back any legislation that would provide funding for the wall in exchange for protecting young immigrants known as Dreamers unless those changes are coupled with a major overhaul of the legal immigration system.

So far, eight prototypes meant to serve as a guide for future border wall design have been completed in San Diego.

Trump is scheduled to visit the prototypes in mid-March, according to a U.S. official. Trump has floated the idea of picking the winning design himself, telling rally-goers last year in Alabama: "I'm going to go out and look at them personally and pick the right one."

Another person familiar with the visit said Trump would also go to Los Angeles for a fundraiser benefiting his re-election campaign and the Republican National Committee during what will be his first trip to California as president. Both

people spoke on condition of anonymity because they were not authorized to discuss the visit publicly.

Construction also began last week to replace slightly more than 2 miles (3.2 kilometers) of wall in Calexico, California, the first wall contract that the administration awarded outside of the prototypes. Both it and the prototype project carry relatively small price tags and were funded last year.

DHS spokeswoman Houlton said the Calexico project was proceeding as planned. And a Border Patrol spokesman in the sector that includes construction in Calexico said he was unaware of the president's tweet but insisted work there was not part of the president's planned wall. On Wednesday, crews continued to work on replacing a 1990s-era barrier with 30-foot-high (9-meter-high) bollards. The project is expected to take up to 300 days.

Imperial County Supervisor John Renison, who represents Calexico, said he supports the design being used there because people can see through it but opposes a wall generally. He was unaware of the president's tweet or any change of plans.

"We do not support a wall, obviously, and let me make that very clear," Renison said. "It's like the old Berlin. You're separating countries, and you're creating animosity, and it's not good."

California Attorney General Xavier Becerra, a Democrat, has adamantly opposed Trump's plans, saying Tuesday in response to the court ruling that a "medieval wall along the U.S.-Mexico border simply does not belong in the 21st century."

The Trump administration has proposed spending \$1.6 billion to extend the wall 60 miles (96 kilometers) in Texas and replace 14 miles (22 kilometers) in California, specifically in San Diego. It wants \$1.6 billion to extend the wall 65 miles (104 kilometers) next year, all of it in Texas. Congress has yet to approve the spending.

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## **Trump Puts California On Notice Over Border Wall**

By Mark Moore

New York Post, February 28, 2018

President Trump put California on notice in a tweet on Wednesday that he wouldn't complete his much-promised wall on its border until the entire barrier was erected – even though the state's attorney general said the "medieval" structure has no place in the "21st century."

"I have decided that sections of the Wall that California wants built NOW will not be built until the whole Wall is approved," he tweeted. "Big victory yesterday with ruling from

the courts that allows us to proceed. OUR COUNTRY MUST HAVE BORDER SECURITY!"

He referred to the Tuesday ruling by US District Judge Gonzalo Curiel, who he maligned as "biased" during the 2016 campaign for his Mexican heritage, that sided with the Department of Homeland Security in a legal challenge that paves the way for a section of the wall to be built on the California border.

But Trump's remarks about not building that portion of the barrier seem to play right into the hands of California Attorney General Xavier Becerra, who brought the suit against DHS and has pledged to continue to challenge the Trump administration over immigration issues and the wall.

"We will evaluate all of our options and are prepared to do what is necessary to protect our people, our values, and our economy from federal overreach," Becerra said on Tuesday. "A medieval wall along the U.S.-Mexico border simply does not belong in the 21st century."

Last week, the president said he was considering pulling Immigration and Customs Enforcement agents from California as punishment for its "lousy management job" of enforcing immigration laws.

"You know what, I'm thinking about doing it," Trump said during a meeting at the White House last Thursday. "We're getting no help from the state of California. Frankly, if I pulled our people from California, you would have a crime nest like you've never seen in California. All I'd have to do is say 'ICE, Border Patrol, leave California alone.'"

Trump lost the Golden State to Hillary Clinton in the 2016 election by 30 percentage points.

The tweets also show the president appears to have a newfound admiration for Curiel, whom he blasted as a "hater" during the campaign when the Indiana-born judge was presiding over a lawsuit against Trump University.

"I have a judge who is a hater of Donald Trump, a hater," Trump said. "His name is Gonzalo Curiel and he is not doing the right thing."

But Tuesday night, Trump was praising his "big legal win" after Curiel's decision.

"Big legal win today. U.S. judge sided with the Trump Administration and rejected the attempt to stop the government from building a great Border Wall on the Southern Border. Now this important project can go forward!" Trump wrote late Tuesday.

## **Trump Says California Border Wall On Hold Until Entire Wall Approved**

Reuters, February 28, 2018

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## Trump Threatens California With Border Wall Delay

By John T. Bennett

Roll Call (DC), February 28, 2018

President Donald Trump escalated his feud with California on Wednesday, threatening to delay portions of his proposed southern border wall in the state until Congress fully funds the project.

It was unclear, given the opposition to the border barrier from California officials and many of the state's residents, how delaying construction would be perceived as a punishment there. The threat, however, is likely to enrage his conservative base, which is no fan of the liberal-leaning Golden State.

A federal judge on Tuesday who Trump once called biased due to his Mexican heritage, Judge Gonzalo P. Curiel, ruled the administration has the legal authority to waive environmental laws to accelerate the border wall project. The California government and environmental groups had argued to the contrary.

"I have decided that sections of the Wall that California wants built NOW will not be built until the whole Wall is approved," Trump wrote on Twitter. "Big victory yesterday with ruling from the courts that allows us to proceed. OUR COUNTRY MUST HAVE BORDER SECURITY!"

Trump is frustrated with California officials for what he perceives as their unwillingness to cooperate with federal law enforcement officials' attempts to round up illegal immigrants who are suspected of ties to or membership in gangs like MS-13. The president has threatened to pull ICE agents out of the state over the flap.

On Tuesday, a White House official confirmed that the president will travel to the states next month. The trip will include a stop in San Diego, where Trump will view eight prototypes of his proposed border wall.

The president's threat to delay construction in California also is puzzling because the wall project is now married to other immigration issues, including the Obama-era Deferred Action for Childhood Arrivals, or DACA, program. The U.S. Supreme Court on Monday opted against allowing the administration to skip the appeals process of a lawsuit about Trump's authority to cancel it via executive order.

That means a March 5 deadline he gave Congress to pass a DACA-addressing immigration bill has slipped, likely by several months as the lower court process plays out.

And the wall proposal and other immigration issues would be a part of any DACA bill, meaning Trump is months away from getting the full wall funding he wants in that legislation — though partial wall funds in a coming omnibus spending measure would help move the project along.

## Trump: Calif. Wall Sections Won't Be Built Until Entire Project Is Approved

By John Bowden

The Hill, February 28, 2018

President Trump on Wednesday tweeted that the section of his proposed border wall approved Tuesday by a federal judge will not be built until the remainder of the planned wall is approved.

Trump said on Twitter that "sections of the Wall that California wants built NOW," apparently referring to the section of the wall that was approved Tuesday against the wishes of the state of California "will not be built until the whole Wall is approved."

"I have decided that sections of the Wall that California wants built NOW will not be built until the whole Wall is approved. Big victory yesterday with ruling from the courts that allows us to proceed. OUR COUNTRY MUST HAVE BORDER SECURITY!" Trump said.

I have decided that sections of the Wall that California wants built NOW will not be built until the whole Wall is approved. Big victory yesterday with ruling from the courts that allows us to proceed. OUR COUNTRY MUST HAVE BORDER SECURITY!— Donald J. Trump (@realDonaldTrump) February 28, 2018

Judge Gonzalo Curiel, whom Trump once famously attacked for his Mexican-American heritage, ruled Tuesday that the Department of Homeland Security could waive environmental restrictions in building a section of the wall in California due to 14 miles of existing fencing no longer being "optimal" for border protection.

Trump's statement that the state of California "wants" the wall built seemingly flies in the face of statements from California's leaders, including Attorney General Xavier Becerra, who vowed to keep fighting the Trump administration in court over immigration and border security issues.

"We will evaluate all of our options and are prepared to do what is necessary to protect our people, our values, and our economy from federal overreach," Becerra said. "A medieval wall along the U.S.-Mexico border simply does not belong in the 21st century."

Environmental groups who were involved in the lawsuit also attacked the decision, calling the Trump administration's waiving of environmental statutes "unconstitutional."

"The Trump administration has completely overreached its authority in its rush to build this destructive, senseless wall," wrote Brian Segee of the Center for Biological Diversity. "They're giving unprecedented, sweeping power to an unelected agency chief to ignore dozens of laws and crash through hundreds of miles of spectacular borderlands."

The lawsuit, filed by the state of California last year, argued that the department had improperly waived the

National Environmental Policy Act and other immigration and environmental rules to speed up the construction of the wall.

## **Trump Says Border Wall Is All Or Nothing After Court Ruling**

By Terrence Dopp

Bloomberg News, February 28, 2018

President Donald Trump said his election promise to build a wall along the southern U.S. border with Mexico is an all-or-nothing proposition even as a court cleared a path for part of the barrier.

"I have decided that sections of the Wall that California wants built NOW will not be built until the whole Wall is approved," Trump said on Twitter Wednesday. "Big victory yesterday with ruling from the courts that allows us to proceed. OUR COUNTRY MUST HAVE BORDER SECURITY!"

The president's comment comes one day after a federal judge once accused by then candidate Trump of being biased against him because he's "Mexican" and a "hater" paved the way for construction of a 14-mile section of border fencing near San Diego.

U.S. District Judge Gonzalo Curiel in San Diego sided Tuesday with the Homeland Security Department, which asserted authority under federal immigration law to waive compliance with environmental protection statutes because that section is "no longer optimal for border patrol operations."

Read More: About That Wall Trump Said Mexico Will Pay For

California and environmental advocacy groups claimed in court filings that the 1996 immigration law is unconstitutional. They also alleged a lack of environmental reviews would imperil endangered species – including the Quino checkerspot butterfly and the Mexican flannel bush – and that federal officials failed to consult, as required, with the state and other affected parties.

Trump's promise to make Mexico pay billions of dollars for a wall to stop illegal immigration was a central part of his presidential campaign. Mexico has repeatedly said paying for the wall is a nonstarter and Mexican President Enrique Peña Nieto recently canceled a trip to Washington after a phone call with Trump.

Curiel is the judge in San Diego who presided in 2016 over a \$25 million settlement to thousands of students who sued the then-candidate and his Trump University over what they said were false claims and misleading advertising about the benefits of the school, which was not accredited.

## **Trump Hails 'Big Victory' After Judge Upholds Border Wall Project**

By Adam Shaw

Fox News, February 28, 2018

President Trump on Wednesday hailed a "big victory" in the courts for his proposed border wall, after a federal judge ruled against an environmental challenge to Trump's central campaign promise.

U.S. District Court Judge Gonzalo Curiel found in favor of the administration Tuesday in a case that asked whether the government could ignore environmental laws to construct the southern border wall. The project had been challenged by environmental groups and the state of California.

Trump touted the victory in a tweet, saying that it allows the administration to proceed, adding: "OUR COUNTRY MUST HAVE BORDER SECURITY!"

### **FEDERAL JUDGE RULES AGAINST CHALLENGE TO TRUMP BORDER WALL**

In the tweet, he also said sections of the wall that California wants built now "will not be built until the whole Wall is approved." It was not clear what he was referring to, but it is possible he was referring to a recent project to replace two miles of wall in downtown Calexico.

The Los Angeles Times reported that the barrier was made of recycled metal scraps and a landing mat and will be replaced by 30-foot high bollard-style posts.

Curiel's ruling means the administration can now issue waivers on environmental laws and build sections of the wall.

Curiel was the judge whom Trump accused of being biased due to his Mexican-American heritage as he ruled over a case involving Trump University. Then-candidate Trump was criticized by both Republicans and Democrats for his comments.

California's state officials pushed back against the border wall ruling.

California Attorney General Xavier Becerra said in a statement that his office "will evaluate all of our options and [is] prepared to do what is necessary to protect our people, our values, and our economy from federal overreach."

"A medieval wall along the U.S.-Mexico border simply does not belong in the 21st century," Becerra said.

The Trump administration was sued back in September as part of its effort to block any construction of the border wall.

Trump also tweeted Wednesday in praise of border security efforts.

"45 year low on illegal border crossings this year. Ice and Border Patrol Agents are doing a great job for our Country. MS-13 thugs being hit hard," he tweeted.

Fox News' Alex Pappas contributed to this report.

Adam Shaw is a Politics Reporter and occasional Opinion writer for FoxNews.com. He can be reached here or on Twitter: @AdamShawNY.

## **California Braces For Trump's 'Border Wall Hallucination Tour'**



**The president's base is thrilled by his first visit to the state, but Democrats are determined to make him feel unwelcome.**

By Carla Marinucci

Politico, February 28, 2018

Donald Trump's California supporters are "ecstatic" that the president will be making his first official visit to the state next month. But his March trip to San Diego to advance construction of a border wall is also firing up progressive activists who are determined to make him feel unwelcome.

The White House confirmation of Trump's planned visit to view border wall prototypes — the preeminent symbol of his immigration policy — comes amid widespread anger on the left related to a series of immigration raids and arrests launched this week throughout California, home to an estimated 2.2 million undocumented immigrants.

The Immigration and Customs Enforcement raids, which spanned from the Central Valley throughout Northern California and resulted in more than 150 arrests on Tuesday, intensified anger and political resistance to the administration in a solidly-blue state where the president is already deeply unpopular.

"I have full faith that my Southern California Latino community will give Trump's border wall hallucination tour exactly the respect it deserves: Nada, nunca, forget it," said Gloria Nieto, a veteran Democratic LGBT activist in Santa Cruz. "Considering how much this administration has allowed unfit employees access to information which is a real threat to our country's safety, this continued charade feeds a false narrative about the dangers we face. Mexicans trying to find work to feed their families are an empty threat."

Advance reports of the raids prompted mayors like Oakland's Libby Schaaf to push back against the administration by announcing the ICE strategy in advance to warn residents in her city. That move earned her a rebuke from ICE Deputy Director Thomas D. Homan, who, in a statement, called her action a "reckless decision was based on her political agenda with the very federal laws that ICE is sworn to uphold."

Trump's impending visit "makes sense with his converting the U.S. presidency into reality TV," says Chris Newman, legal director for the Los Angeles-based National Day Laborer Organizing Network — an immigrant rights group. "And if I were the producer of his game show presidency, I would do the same."

"If Trump comes to California, he'll find that California has built an immunity to the type of fear that he's pushing," Newman said. "[H]e's trying to spread venom — and I don't think it will have the desired effect."

The visit to the state was first reported by the Washington Post.

Trump's visit to California, the nation's political ATM, is also about money: In addition to the border visit, the president

will also head a Republican National Committee fundraiser in Los Angeles. Sources familiar with the planning say Vice President Mike Pence — who raised \$5 million for state House races working alongside Majority Leader Kevin McCarthy in his last visit — is also planning a return to help bulk up the coffers of GOP incumbents battling to return to Congress.

But the reaction to the presidential visit so far has focused on a border wall and the administration's immigration policies. Trump addressed questions about the wall Wednesday in a tweet.

"I have decided that sections of the Wall that California wants built NOW will not be built until the whole Wall is approved," Trump said.

GOP former state Assemblyman Tim Donnelly, a founder of the California Minutemen who has made illegal immigration a lynchpin of his political career, says he welcomes news of the president's stop in San Diego as evidence that Trump is a "hands-on" leader who plans to make good on his "signature issue."

"He can't strike out on the wall. It has to work, it has to be funded — and it has to get built," said Donnelly, who has launched a primary challenge against GOP Rep. Paul Cook. He said the president's announcement will reassure his supporters who are worried pressure in Washington will make Trump cave on a key issue. "A lot of hardcore Trump supporters are deeply concerned about this whole DACA thing becoming amnesty," he said.

In the eyes of many conservatives, mayors like Oakland's Schaff are flaunting the law. So "our supporters are just ecstatic that Trump is coming down to look at the wall," said John Berry, an activist with the Redlands Tea Party Patriots. "It's beyond insanity that Sacramento idiots are showing they care more about illegals than they do about our own citizens. Trump is coming to rescue the people of California."

So far, some leading elected officials, including Gov. Jerry Brown have been silent on the president's plans. But state Senate President Pro Tem Kevin de Leon, a candidate for U.S. Senate and the author of SB54 — recently passed legislation that's become known as the "sanctuary state" bill aimed at further protecting undocumented immigrants from deportation — said that he doesn't intend to be quiet about the White House state visit.

He told POLITICO that "the great thing about California is that we welcome everyone — even a malevolent President who has spent a full year attacking our values, threatening our people and corroding the people's trust in government."

Hoover Institution fellow Bill Whalen, a former advisor to Gov. Pete Wilson, says Trump's decision to set foot in California for the first time as president "raises a whole raft of California issues that he probably doesn't want to get into — and those include the symbolism of his going to San Diego,

and how he'll play with the mayor in the largest American city to have a Republican mayor. This is a Republican mayor who has been very much on point to show he is not lock step with Donald Trump on immigration and on trade," he said.

Whalen said the visit will dramatize the many ways in which the state and the federal government "are at loggerheads" on issues including the ICE raids, the administration's stated policies on opening up offshore oil drilling off the state's coast, and Attorney General Jeff Sessions' recent comments dramatizing his opposition to legal recreational cannabis, which just opened its market in California on January 1.

Opponents of the president will have plenty of reasons to protest Trump's visit in large numbers, Whalen said, though it might actually work to the president's advantage with his own base.

"If you believe this is a presidency that is at all times of appealing to his base, that image of getting heckled in California is probably what they welcome," he said. "If 500,000 people show up in Los Angeles and Mayor Eric Garcetti makes comments – that is music to [Trump's] ears..I think that Donald Trump just lives to torment those that torment him."

Still, business interests in San Diego say they're keenly interested in a Trump visit to the region, and hope to use the moment to talk to Trump on key issues like trade and NAFTA, which are vital to the region.

"It gives us an opportunity to show him how well the border works in San Diego, and how close the two border communities are — San Diego and Tijuana," said Jerry Sanders, who heads the San Diego Area Chamber of Commerce, which includes dozens of business leaders from both sides of a border which represents the busiest land crossing in the Western Hemisphere. "It gives us an opportunity to talk with him about how the expansion of technology would help make the wall more efficient."

And, Sanders says, "it would be great if he would meet with the mayor, who is very pro-Mexico, and we could show him the economic impacts between the two region and the impacts on the entire US from trade with Mexico..we'd like to have him get our perspective."

Donnelly says Trump's base isn't worried about the details of Trump's border wall plan – such as the president's promise that Mexico will pay for it.

"Trump will figure out how they can pay," he said. "They're not going to pay the bill up front — but if we save the money by not inviting another 200 million of the world's poorest people to come in, who are very open to socialism — which means they will vote for Democrats and leftists and progressives — then over time we will have a mass savings."

## US Awards \$73M Contract For Border Wall Work In New Mexico

By Susan Montoya Bryan

Associated Press, February 28, 2018

ALBUQUERQUE, N.M. (AP) – The U.S. government has awarded a Montana-based company a contract worth more than \$73 million to design and build replacement fencing along 20 miles (32 kilometers) of the U.S.-Mexico border in southern New Mexico, officials confirmed Wednesday.

Existing vehicle barriers west of the Santa Teresa port of entry will be replaced with taller bollard-style barriers under the contract awarded in January to Bamard Construction Co. Inc. Bollard walls typically consist of sturdy, vertical posts that are spaced to provide visibility to the other side but are difficult to walk through.

Regional Customs and Border Protection officials said there was no timeline for when work might start, and the construction company did not respond to email and phone requests inquiring about project details.

News of the contract came after a federal judge in California sided this week with President Donald Trump on a challenge to building his promised border wall. The court rejected arguments that the administration overreached by waiving laws requiring environmental and other reviews before construction could begin.

The administration has issued three waivers since August – two to build in parts of California and one in part of New Mexico. Work is already underway on a 30-foot (9.1-meter) high barrier in Calexico, California.

As for the work planned at Santa Teresa near New Mexico's state line with Texas, federal officials have said the area remains an active route for human smuggling and drug trafficking. Officers in the El Paso sector are responsible for a sprawling desert territory that spans a portion of West Texas and all of New Mexico.

In recent days, officers working at the El Paso port of entry made nearly a dozen drug busts and seized 100 rounds of 9mm ammunition being smuggled south into Mexico.

In 2016, officers in the sector arrested more than 25,000 immigrants suspected of trying to enter the country illegally and seized around 67,000 pounds (30,400 kilograms) of marijuana. While less marijuana was seized during the 2017 fiscal year, just as many arrests were recorded.

In announcing plans to bolster barriers in the Santa Teresa area, Homeland Security Secretary Kirstjen Nielsen said in a Federal Register notice posted in January that the goal was to deter illegal crossings.

Critics on Wednesday questioned the \$73 million contract, which is being funded with operations and maintenance money budgeted through the Army Corps of Engineers.

Kevin Bixby, executive director of the Southwest Environmental Center in Las Cruces, New Mexico, called the spending a travesty and raised concerns about the potential effects on wildlife that live along the international border.

"The wall will not stop people from crossing, but it will cause real harm to our state's wildlife, such as mule deer and Mexican wolves, and further militarize our border communities," he said in an email.

Bids from prospective contractors were solicited online prior to federal officials announcing in January that a waiver had been approved for the New Mexico project. Barnard Construction Co. was among three bidders and was quietly announced as the winner Jan. 23.

While there is no indication of when work could begin, the contract calls for the project to be complete by Feb. 16, 2019.

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## **BORDER SECURITY**

### **Visit US Coalition Urges Measures To Increase Tourism**

Associated Press, February 28, 2018

The Visit U.S. Coalition on Wednesday rolled out proposals aimed at reversing the decline in inbound international travelers to the United States.

The recommendations urge leaders in Washington, D.C., to "promote the United States" as a destination and actively welcome visitors.

Proposed measures include supporting marketing efforts and designating a senior government official to focus on tourism.

Visit U.S. also wants to make it easier for residents of certain countries to enter the U.S. by adding countries to the visa waiver program, by developing criteria for 10-year travel visa validity for certain countries, and by increasing the number of visa-processing facilities in high demand countries.

In addition, the coalition hopes to increase awareness of technology and trusted traveler programs that make it easier to cross borders while maintaining security.

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### **With Smuggling Costs Skyrocketing, Parents Balance Risk And Debt For Their Children's Future**

By Ashley Cleek

Public Radio International, February 28, 2018

In May 2017, Julia called her mom in Florida. She told her she and a cousin had been mugged while walking home from work in their hometown in Honduras.

"I knew it wasn't going to resolve anything, but she is the one I call when I want to talk," Julia says.

Julia confessed to her mom that a few weeks earlier her younger brother was also robbed and beaten at 6 a.m. on his way to work.

"As a mother, when you hear something like that, the fear takes over you, and you're just afraid about what is going to happen next," says Anna, Julia's mom. The mom and daughter now sit side by side in a small office in the back of a community center in Lake Worth, a beach town about an hour north of Miami. Anna and Julia aren't their real names. They are both currently undocumented and asked not to be identified in this story.

"The only thing you think is that the situation is so dangerous in my country," Anna says. "So all you think about at that point is getting them out."

The family immediately started planning to bring Julia and her brother from Honduras to the US.

For decades, families have used smugglers to migrate north from El Salvador, Guatemala and Honduras. Many of the migrants are fleeing violence or seeking economic opportunity in the US. But in the past few years, the price of this trip has skyrocketed to between \$7,000 and \$10,000, more than double what it was a decade ago.

At the same time, the trip has become more difficult because of increased enforcement in Mexico and along the US-Mexico border. Several cartels have staked out territories on the US-Mexico border and charge migrants fees to cross. Still, families try to find a way to bring their children to the US, and make choices about what kinds of trips they can afford and how they will finance the journeys.

Anna already knew a little about the trip north. She made a similar trek back in 2005. She was a single mom, raising four kids in the small city of Juticalpa, Honduras. She decided to try to go to the US to make money to send back to her family. She found a coyote, a smuggler, and borrowed \$4,000 from a family member in the US. They agreed she would pay him back once she got to Florida.

Anna crossed the US border undetected, took a bus to Florida, and quickly got a job as a maid. She cleaned houses during the day and offices at night. She slept in the living room of one of the homes where she worked so she could save on rent. She says she paid back her debt in four months.

Then, Anna started to send money home, about \$100 a week. Twelve years passed like this. Anna talked to her eldest daughter Julia on the phone every day. And she found that her choice to leave made a difference.

Julia was studying business at a local college. Her son was on track to graduate from high school. "They have a

better life than me," Anna says. "They are not hungry, they have a roof over their heads. And when I think about it now, it was worth it."

Everything changed when Anna got that early morning call from Julia.

"The parents who send their children north, or are already in the United States and pay the smugglers to take their children here — they've become an extremely criminalized group in our discourse," says Stephanie Leutert, director of the Mexico Security Initiative at the University of Texas at Austin.

In February 2017, soon after President Donald Trump took office, Department of Homeland Security Secretary John Kelly signed a memo directing immigration agents to target and possibly arrest parents who paid smugglers to bring their children to the US. Kelly is now Trump's White House chief of staff.

Leutert says she has met many families like Anna's and has seen them weigh the choices of whether to pay to bring their children across the border.

"The parents are just trying to do what's best for their children, and they are trying to get them to the US in the safest way possible, but there is no safe way really," Leutert says. Families are "left with this list of bad options."

Migrants who have no money can hitchhike, walk or take the train, called La Bestia or "The Beast," that runs from southern Mexico to the US border. The train is known to be dangerous, and in the past few years the Mexican government has cracked down on migrants who ride the train, as a way to curtail the deaths and assaults that have made the train so infamous.

Some families pay smugglers a few hundred dollars to explain the route. Others pay for a smuggler to purchase a Mexican identity cards for their children, so that they can at least pass through Mexico more easily and get to the US border. With a little more money, families can pay for a smuggler to book the bus tickets in advance, so migrants just show up and hop from one bus to the next.

"The more money you have, the better service you get," Leutert says.

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For families who can pay, hiring a smuggler to take you to the border is often seen as the safest way. While there are smugglers who assault migrants along the way or leave them in the desert, Leutert says that many are from the same towns or areas as the migrants. They are known in communities and held responsible.

The smuggler takes care of crossing borders, acquiring fake documents, transportation, bribing Mexican officials, and paying the cartels at the US border to be able to cross. The cartel payment alone can cost 8,000 Mexican pesos, US\$430, per person.

"Another thing that gets lost is that migrants are rational actors. They are going to try to protect themselves. They are going to try and get references. They are going to ask around and try to find a smuggler who they trust," Leutert says.

One Guatemalan mother told Leutert that she took photos of her smuggler and threatened him that if anything happened to her child, she would use those photos to get him in trouble back in Guatemala.

"Migrants are going out of their way, trying to make this as secure an experience as they can, in what is a very unsafe journey," Leutert says.

Anna chose to pay a smuggler. She contacted a cousin who had recently come to the US for a recommendation.

She messaged the smuggler and learned that he could get her two children out of Honduras the next week. She also learned that the price had changed since she paid \$4,000 for her journey. The trip for two would cost \$8,000 now and \$8,000 once they crossed the US border.

On a Friday morning in July 2017, Julia and her brother got on a bus in Juticalpa. The smuggler told Julia and Anna that the trip would take about eight days. In the end, it took Julia and her brother two months just to get to the US border — and longer before they saw their mother.

Julia says the group of 27 migrants crossed the Honduras-Guatemala border on foot, because the identity cards they paid for never arrived. On one bus, she witnessed a shoot-out between people she thought were "the police and some criminals." Once they crossed into Mexico, the siblings were held in a border town for about two weeks. Then the group was taken to Villahermosa, where Julia, her brother, and 100 other migrants were packed into an 18-wheeler for four days.

"At first they tell you that it's 15 hours, and you try to stay calm. But once you start seeing that it's not 15 hours, you start to panic a little bit," Julia remembers. She says the back of the 18-wheeler was cold and dark. Sometimes the door would shift and let in some light. She was terrified. "You hear kids crying. You have to hope and wait for the next stop to be able to use the bathroom."

During those four days, Julia and her brother had no contact with their mother, and Anna had no idea where her children were. Around this time, Anna saw on the news that police in San Antonio found an 18-wheeler in a Walmart parking lot with dozens of migrants overheated in the back. Ten people died. At the time, Anna had no idea her own children were in a similar situation.

Julia and her brother were dropped off in Reynosa, a border city in northern Mexico, where they were shuttled between stash houses, allegedly under the protection of the Gulf Cartel. After about three weeks, they were put on a small raft and sent across the Rio Grande to the US.

US Customs and Border Protection agents found them in the desert. Because she wasn't a minor, Julia was detained

in an immigration facility. After about two months, she was released while she and her brother apply for asylum. They flew to Florida to finally be with their mother.

In the last three years, Tim Gamwell has seen many young people like Julia. Gamwell is the assistant executive director at the Guatemalan Maya Center, a nonprofit organization that works with immigrants and where Anna and Julia told their story.

"These kids who are in high school owe tens of thousands of dollars because they came to be with their mom or their dad," Gamwell says. "They are trying to make this whole new calculus that I have never had to consider — about how they are going to go to work at night and school during the day."

Some families are middle class and owned small shops or businesses in their countries, Gamwell says, but most are poor and from rural communities.

One young man told Gamwell that his family paid his smugglers about \$10,000 for three chances to cross the border. The boy said he made it on the first try.

"His family paid part of that [money], and now he is working at an auto body shop and going to high school," Gamwell says. "And the fear is that if he doesn't pay it off, something could happen to his family in Honduras."

To bring her children to the US, Anna took out an \$11,000 loan from a man in Florida whom she would not name. He's known for giving immigrants loans under the table with high interest. Anna knows it's not a good deal, but she had no other options. She is undocumented so she can't get a real loan, and she says her relatives don't have that kind of money.

The stress of this debt makes Julia feel hopeless. She was studying business administration in Honduras and had a good job working at a gym. In Florida, she's started working with her mom, cleaning houses, but she wishes she could help more.

Julia says right now, she doesn't have any plans to go to school or try to finish her business degree in the US. Her only plan is to pay off this debt.

## **U.S. Border Agents Routinely Locking Up Families With Young Children In 'Freezing Cells' For Days, Report Says**

By Chantal Da Silva

Newsweek, February 28, 2018

U.S. border agents are routinely holding families, including young children, in "freezing cells" and conditions that violate international and national policies, a new report by Human Rights Watch alleges.

The 44-page report, titled "In the Freezer: Abusive Conditions for Women and Children in U.S. Immigration Holding Cells," details the experiences of dozens of people,

including children, who say they were held in freezing holding cells, sometimes for days on end.

The human rights watchdog said it identified more than 100 cases in which women and children allege they were held in frigid cells beyond the three-day period recommended in U.S. Customs and Border Protection (CBP) guidelines. It said adult men and teenage boys were routinely separated from their wives, mothers and children.

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A new Human Rights Watch report documents over 100 cases in which it says immigrants were held for days in 'freezing' and 'abusive' conditions. Women and children are pictured in holding cells in Douglas, Arizona, September 2015 in images obtained via the American Immigration Council Human Rights Watch

Immigrants said they were only given mylar blankets, the foil sheets that are usually found in first Aid emergency kits, for warmth. They also said they did not have any mattresses or other amenities for sleeping.

"It was cold, really cold ... There weren't any mats. We just slept on the floor," one Guatemalan woman identified as Carolina R told HRW.

Officers also allegedly forced families to discard layers of clothing, permitting only a single layer.

"They didn't want me to keep both my blouse and my sweater. I had to pick one to keep, so I chose my sweater," a woman who said she spent three nights in a holding cell with her infant child in Nogales, Arizona, reported. "They didn't explain why," the woman, identified as Adela R, added.

"The persistent practices in immigration holding cells are degrading and punitive," said Michael Garcia Bochenek, senior children's rights counsel at HRW. "Immigration authorities should keep families together and shouldn't detain children overnight in holding cells."

Most of the women and children who spoke with HRW said they had fled their home countries after being targeted for violence or other persecution.

A Honduran mother walks with her children next to the U.S.-Mexico border fence as they turned themselves in to Border Patrol agents on February 22, 2018 John Moore/Getty

"Conditions in immigration holding cells are not only needlessly cruel but also demonstrably harmful, particularly for people who have suffered persecution," Bochenek said. "The U.S. should not persist in practices that traumatize children and their families."

Read more: Supreme Court Rules Immigrants Can Be Detained Indefinitely Without Bond Hearing

The watchdog also warned of the mental health impacts of detaining people under "abusive conditions." It pointed to a 2015 report published by the Unitarian Universalist Service Committee, a non-profit focused on providing disaster relief and promoting human rights, which identified time in holding

cells as the "most difficult and traumatic" period of detention for people apprehended by U.S. immigration authorities.

HRW also deemed holding cells at the U.S. border unhygienic, alleging that they often do not provide hand soap. This means that parents are unable to hygienically clean their hands before and after eating, feeding infants, using the toilet or changing infants's diapers.

One woman interviewed by HRW said she and her-five-year-old son were left "sitting on the cement floor, completely freezing" after being placed in a cold cell, despite being soaked from wading across the Rio Grande.

"In the end, I had to sleep seated upright, with my son in my lap, because I couldn't let him lay down on the cement floor," she said.

A CBP official told Newsweek the agency "is aware of the Human Rights Watch report and has met with the organization about the concerns in that report."

The agency said it operates "short-term detention facilities," maintaining that detained individuals are "generally held for 72 hours or less, as defined in the Trade Facilitation and Trade Enforcement Act."

It added that "CBP treats all individuals with dignity and respect, and ensures that all such facilities meet all relevant legal and policy requirements." It also said agents and officers must monitor conditions in hold rooms, saying it has several "compliance mechanisms" in place, including a self-inspections program and inspections by CBP's Management Inspection Division.

HRW said that while CBP officials have consistently denied that holding cells are cold, detainees regularly report that the temperatures in such facilities feel much colder than in other immigration detention centers.

In October 2017, the Women's Refugee Commission also reported that nearly all of about 150 women interviewed in 2016 and 2017 said they were held in "freezing cold" CBP facilities for days on end.

## **AVIATION SECURITY**

### **From The TSA: Here's What You Should Know About Guns And Airports**

By Fredrick Kunkle

Washington Post, February 28, 2018

The Transportation Security Administration (TSA) wants you know there is a better — and legal — way to fly with your firearms than bringing it to an airport security checkpoint.

On Wednesday, the TSA, which has been setting year-on-year records for finding guns at airport checkpoints, offered a warning to gun owners: The federal agency, along with local law enforcement, said travelers who bring firearms to a TSA checkpoint can face state or local criminal charges.

The TSA can also file federal civil claims of up to \$13,000 against people who bring firearms to checkpoints.

"You will face criminal charges if you bring your firearm to the checkpoint," said Lt. Kevin Ayd of the Maryland Transportation Authority Police Department.

The agency also offered pointers on the proper way to travel with firearms and ways to check with the agency in advance about how to travel legally with guns. The weapons must go into checked baggage, which are stowed in the belly of the aircraft. The TSA's website also offers step-by-step help on how to travel with firearms.

Yet, thousands of times a year, people are caught with guns — most of which are loaded — at TSA checkpoints around the country. The most frequent excuses TSA agents hear from people caught with guns at checkpoints are: "I forgot" and "My wife (or husband) packed this bag for me, and I didn't know my gun was in there," a TSA spokeswoman said.

Officials also said people with permits to carry concealed firearms, particularly people from out of state, often appear to be unaware their permits are not recognized in Maryland and do not constitute a pass to bring a gun to a checkpoint.

"You never, ever want to bring a firearm to a checkpoint," TSA spokeswoman Lisa Farbstein said Wednesday during a news conference at Baltimore-Washington International Marshall Airport. She also addressed the perception that it is not that big a deal if a law-abiding person who has a permit to have a firearm has forgotten about it in a carry-on bag.

"It is a big deal," Farbstein said. "If you have a loaded firearm with you — and the vast amount of firearms are — and your bag drops, it could cause the firearm to go off." She said it is also possible a person who means harm to the public could wrest the firearm away from a person who owns the weapon legally, or cause a panic if it somehow got on board the aircraft.

Wednesday's demonstration came as the TSA reported finding nearly 4,000 firearms in carry-on bags at U.S. airports in 2017, an increase of 17 percent over the previous year, which had also set a record. Earlier this month, the TSA reported finding a record number of firearms in a week. The agency also said 84 percent of the firearms detected in 2017 were loaded.

The top five airports for weapons found at checkpoints last year were the same five since 2014: Hartsfield-Jackson Atlanta International (245); Dallas/Fort Worth International (211); George Bush Intercontinental in Houston (142); Denver International (98); and Phoenix Sky Harbor International (115).

The numbers declined slightly at all major airports in the Washington metropolitan area. In 2017, the TSA caught a total of 58 handguns at Washington Dulles International

Airport, Ronald Reagan Washington National Airport and BWI, compared with 67 the previous year. Both National Airport (13 firearms last year, compared with 19 in 2016) and Dulles (19 vs. 24) had declines; BWI increased to 26 from 24.

If you do plan on taking your firearms on a flight, you should remember the following:

Passengers may travel with firearms only if the weapons are unloaded, locked inside a hard-sided case and stowed with checked baggage

Ammunition must be packed in its original box, even if some of the ammo has been used and the box is not full; the ammunition box may also be packed inside the hard-sided case with the firearm

Properly packaged firearms should be brought to the airline's check-in counter

Advise the airline representative at the checked baggage counter you are carrying firearms

## **Airport Security Screening Goes To School**

By Scott McCartney

Wall Street Journal, February 28, 2018

Full-text stories from the Wall Street Journal are available to Journal subscribers by clicking the link.

## **IMMIGRATION POLICY**

### **Congress No Longer Has A Deadline On DREAMers, But Lawmakers Say They Still Want A Fix**

By Eliza Collins

USA Today, February 28, 2018

WASHINGTON — Lawmakers in both parties acknowledge that Monday's Supreme Court ruling reduced the urgency for Congress to decide the fate of hundreds of thousands of immigrants brought to the U.S. illegally as children. But they are vowing to keep chipping away at the issue anyway.

Congress had been facing a March 5 deadline to find a solution that would protect recipients of the Deferred Action for Childhood Arrivals program from deportation. President Trump reversed an Obama-era program last fall and gave lawmakers six months to find a legislative compromise. But a Supreme Court ruling Monday means the program, which provides legal protections to approximately 690,000 so-called DREAMers, will stay in place at least through the fall as it runs the normal course through the U.S. Court of Appeals for the 9th Circuit.

"We really do want to get something done," Rep. Tom Cole, R-Okla., who is close to Republican leadership told USA TODAY. "We think it will come back. It was postponed, but it was not solved and it could well blow up right on the eve of the election."

There is now no realistic prospect the Supreme Court could rule again on the issue before the mid-term elections, as the court will be out of session from the end of June through the beginning October.

While rank-and-file lawmakers insist they still care about the issue, there are no immigration votes scheduled in either chamber. After a series of failed votes earlier this month, Senate Majority Leader Mitch McConnell, R-Ky., said the Senate would move on to other subjects unless there was a bill that could pass and get the president's signature. The House bill that Republican leadership is rallying support for is still short of the 218 votes Republicans it would need to make it through the House without Democratic support.

Rep. Mark Walker, R-N.C., who heads the Republican Study Committee, a group of more than 150 conservative House members, is continuing to push for the GOP House bill which would cut legal immigration by at least 25% and provide renewable legal protections on a three-year basis for DACA recipients.

Walker acknowledged there are people on both sides who could be relieved they don't have to deal with the issue ahead of their election but, he said, "it's incumbent upon us to resolve this matter."

"I get it's a campaign year and I get there are sensitivities here but if you're talking about what's right — I believe it's right to solve it. If you're talking about it from a political strategy, I still think it's the best move," Walker said.

Meanwhile, Democrats and immigration activists point to a group of DACA recipients whose legal status remains in limbo as a reason for Congress to act quickly. This group has already applied for a renewal, but because the program was stopped and then restarted, there is a backlog of people who still have not been re-approved and have started losing their protected status.

Plus, advocates say, the court ruling only protects the roughly 690,000 people who were enrolled in the DACA program, not even close to the 3.6 million DREAMers who were brought to the U.S. as children.

"It is necessary to pass a permanent solution right now," said Juan Manuel Guzman, the advocacy and policy manager for United We Dream, a youth-led immigration network. Guzman is undocumented but was too old to qualify for DACA, but he would qualify for the DREAM Act which would allow for people who came to the U.S. under age 18 a path to citizenship.

"Trump gave the Senate and the House of Representatives until March 5. The fact that they haven't been able to come up with a solution is how much they have failed not just the DREAMers but the American people who want this problem to be solved," Guzman continued.

My colleagues who think the urgency is gone now "are wrong, I think the Supreme Court decision doesn't give Congress a pass at all," Rep. Pete Aguilar, D-Calif., who has



introduced a bipartisan bill in the House that would provide a path to citizenship and a vague commitment to bolster border security through technology and physical barriers where necessary.

But not everyone is pushing for a legislative solution.

Rep. Paul Gosar said he has issues with the DACA program staying in place because he believes it is unconstitutional. But at least now, he said, it's less likely that conservatives will have to vote for a bill that includes a path to citizenship for DREAMers.

"I actually think that if (Republicans) passed an amnesty bill, that would have been worse," Rep. Paul Gosar, a hardline conservative from Arizona, said. Gosar said a vote on immigration protections in addition to the massive spending increase Republicans helped push over the finish line this month would mean "your base would not have showed up" on election day.

## **Sen. Dick Durbin Weighs In On Path Forward For Immigration Reform : NPR**

NPR, February 28, 2018

After the Senate failed to advance a proposal for a path forward on thorny immigration issues, many young migrants in the U.S. face an uncertain future. NPR's Ari Shapiro speaks with Sen. Dick Durbin, D-Ill., who originally brought the plight of DREAMers to the Senate, about the next steps he's hoping for.

ARI SHAPIRO, HOST:

Now, we're going to revisit an issue that consumed Washington a month ago and then seemingly fell off the radar – legal protections for undocumented immigrants who came to the U.S. as young children known as DREAMers. The Senate held a week-long debate and votes. For Dick Durbin, the Democratic senator from Illinois, this seemed like it could fulfill a mission he'd been working on for 17 years. I visited him in his office just as that debate was about to begin in early February, and he felt optimistic.

DICK DURBIN: The United States Senate has not seen this kind of debate in over a year and a half. Many of the members have never seen it, so I'm looking forward to it. It really goes back to the Senate as I remember it.

SHAPIRO: Durbin's optimism was misplaced. While there was bipartisan support building, the White House began to apply pressure. President Trump said he would only agree to protect DREAMers in exchange for significantly cutting legal immigration, as well as funding border security.

(SOUNDBITE OF ARCHIVED RECORDING)

UNIDENTIFIED MAN: Shall call the roll.

UNIDENTIFIED WOMAN: Mr. Alexander.

LAMAR ALEXANDER: Aye.

SHAPIRO: And as lawmakers voted on one proposal after another...

(SOUNDBITE OF ARCHIVED RECORDING)

UNIDENTIFIED WOMAN: Mr. Durbin, Mr. Enzi.

SHAPIRO: ...It became clear that none of the bills would get the support of 60 senators.

(SOUNDBITE OF ARCHIVED RECORDING)

UNIDENTIFIED MAN: On this vote, the yeas are 54, the nays are 45. The motion is not agreed to.

SHAPIRO: Today, I went back to Senator Durbin's office on Capitol Hill, and he told me about the moments following those votes.

DURBIN: I went around the floor to senators who have stood by me. For some, it's easy. For others, it is painful. It's dangerous politically. As I went up to their desks – and many of them were up for re-election – I said thank you, and several of them said to me, if this cost me my Senate seat, so be it. You know, those are moments you're proud to be a senator.

SHAPIRO: Proud but disappointed. Some DREAMers did get a reprieve, though. Courts decided that those with short-term protections under the DACA program can renew their status while legal challenges play out. That means President Trump cannot end DACA on March 5 as he had promised. So this morning, I asked Senator Durbin whether that means Congress is less likely to act since it no longer has a firm deadline.

DURBIN: Well, in a way, it helps, but yet, it complicates the situation. It helps because it gives immediate relief to those who have seen their DACA status expire. They can go on and apply again if they were once covered by DACA. And as the expirations take place, others can do the same. It doesn't open up the opportunity for those who were newly eligible to join in. But there is some relief, some protection, on a temporary basis for those who once had DACA protection. But on the complications side, it delays the inevitable. We know that at some moment a court can make an opposite decision. An injunction can be lifted. A court can make a decision saying the president can go forward with abolishing DACA. So the uncertainty, the long-term uncertainty, is still there.

SHAPIRO: And in terms of Congress, we know that lawmakers often need deadlines to do anything. Does losing that March 5 deadline remove pressure from Congress to pick this back up again?

DURBIN: We're just humans in addition to being politicians. When we have a deadline, whether it's April 15 or that appointment with the dentist, we get really serious about it. And now we don't have that deadline in the same way that we did before the court decision.

SHAPIRO: Legislatively, strategically, what's your next move?

DURBIN: We have to wait on the White House. We learned something during the course of this, and it was unsettling. We learned what the president's real priorities

were. The president said, well, let's help these young people. We need to do something to fix DACA. And yet, given that opportunity, he rejected it. It turned out that this debate was not about a wall. It was about a new immigration policy in America. It was about rejecting the notion that we are a nation of immigrants. Last week, one of our major federal agencies deleted that term, said we no longer want to have that as our mission statement, that America is a nation of immigrants. To deny our birthright as a nation is to really defy who we are, what we are and what we will be.

SHAPIRO: Given that if Congress passes anything in the next three years, Donald Trump is going to be the president to have to sign it into law. How do you work with him on this to get something done?

DURBIN: It's extremely difficult. You know, his goal in changing the face of immigration in America is one that I will never buy into. You know, we have a diverse nation, and that is our strength as far as I'm concerned. We come from many different places, all proud to be Americans, all working together as an American team, if you will. But we do have these background differences. And for this president to say that for the first time in 90 years he wants to dramatically cut legal immigration in America, that is a complete reversal of the policy of immigration that we've had since 1965.

SHAPIRO: I don't hear you admitting defeat here, but I also don't hear you laying out any conceivable strategy to getting this done.

DURBIN: Here's how this works now. Members of Congress, particularly Republicans, if they come to the realization that this issue is painful, hurtful or in any way threatening to them politically, may have a change of heart and want to move forward and do something. But it will take those votes and that kind of initiative for this to move forward.

SHAPIRO: Over the wishes of the White House.

DURBIN: Well, I think the White House will eventually realize the same thing. If they stand to lose critical seats in Congress, in the Senate or in the House because this issue has become more difficult and more challenging, I think the White House will begrudgingly acknowledge that they have to do something.

SHAPIRO: But you already have public opinion on your side. A CBS poll earlier this month said 9 out of 10 Americans support providing citizenship for DACA recipients. You've got the public support. What more do you need at this point?

DURBIN: And 9 out of 10 Americans are for universal background checks on guns, yet the Republican leadership in the House and Senate and in the White House have refused to take up these immensely popular issues. Their base, if you polled it, would be dramatically different. It wouldn't be 90 percent in favor on either one of these issues. They have to decide are they the party of the most extreme element of their own political party? Or are they a party that represents what America feels on these critical issues?

SHAPIRO: What do you say when you talk to these DACA recipients who I know you've been in touch with for years following the defeat that you just saw this month?

DURBIN: I've run out of words. We've been through this so many times, come so close, majority votes in the Senate over and over again. Once or twice, we were successful, and then the House didn't act. But it's heartbreaking. I mean, to think that these young people now are resigned to this uncertainty and fear in their lives on a day-to-day basis breaks my heart.

SHAPIRO: I know that you're not giving up the fight. Are you putting the fight on hold until there's somebody else in the White House or control of Congress changes or – I just don't see what there is for you to do in the next three years that would have a different outcome than what happened earlier this month.

DURBIN: Tomorrow is another day. I'm going to seize every opportunity I can find to move forward on this issue. It's a simple matter of fairness and justice in America. It is a civil rights issue. For these young people and for other immigrants, it really is a defining issue as far as I'm concerned. I'm not going to quit.

SHAPIRO: What does that mean in a scenario where Republicans control the White House and both houses of Congress and gave this a week of floor time and it still didn't get done? What does seize every opportunity actually mean in that context?

DURBIN: I don't know the answer. Who knew when we went into the Trump presidency that we would reach a point where Senator McConnell, the Republican leader of the Senate, would feel compelled to bring this matter to the floor and give us a week's time? We managed to reach that point. And so we had our chance. We came close but not close enough to win. I don't know what will happen in the House of Representatives. I don't know what lies ahead in terms of the midterm elections. But I remind all of my friends who feel as I do about this issue, this election, the election of new members to the House and to the Senate, will decide the fate of this issue.

SHAPIRO: Senator Durbin, thank you for talking with us once again.

DURBIN: Thanks, Ari.

SHAPIRO: Senator Dick Durbin of Illinois is the Democratic whip.

## **11,000 People Renewed DACA In Weeks After Judge's Ruling**

Associated Press, February 28, 2018

HOUSTON (AP) — U.S. Citizenship and Immigration Services says about 11,000 people renewed protections under a program shielding young immigrants from deportation in the weeks after a judge partially reopened it.

The agency released figures Wednesday for the three weeks after Jan. 10, the day after U.S. District Judge William Alsup ordered the government to resume accepting renewals under Deferred Action for Childhood Arrivals.

As of Jan. 31, another 22,000 people have initial requests for DACA protection pending. The number of people with DACA protection as of the end of January is 683,000.

Alsup ruled Jan. 9 that the Trump administration failed to justify ending the program. Another judge issued a similar ruling in a separate case in February.

Those rulings have removed some urgency leading up to the administration's March 5 deadline for the DACA program.

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## **Escondido Passes On Federal Funds That Would've Required ICE Cooperation**

By Maya Srikrishnan

Voice Of San Diego, February 28, 2018

The Escondido Police Department has decided not to accept a community policing grant from the Department of Justice.

To apply for the grant, the department had to sign an agreement assuring the DOJ that Immigration and Customs Enforcement officials would have access to immigrants in the department's jails — something potentially in conflict with California state laws intended to protect immigrants from immigration enforcement during interactions with local law enforcement.

Escondido Police Chief Craig Carter previously told Voice of San Diego he didn't think the agreement violated the California Values Act — the so-called sanctuary state law — but said he was unsure the department would accept the money regardless. The federal grant required a match from local sources, and Carter wasn't sure the department could afford it.

In a January letter rejecting the grant, Carter reiterated his financial concerns.

"Unfortunately, the financial constraints during the latter years of this grant have made it impractical to accept," wrote Carter. "At this time, we respectfully decline participation in the program."

Immigrant advocates in North County are glad the department turned down the deal because of its mandate to cooperate with immigration enforcement.

"As community advocates, we didn't feel like there was a lot of transparency and dialogue around the application," said Felicia Gomez, policy director for the California Immigrant Policy Center. "We would have liked them to have

considered bringing it to the community members, especially seeing that they signed that supplemental agreement."

The Community Oriented Policing Services grant would have awarded \$250,000 to Escondido to hire two full-time officers for three years.

In September, Carter and Mayor Sam Abed signed a "Certification of Illegal Immigration Cooperation" alongside the city's application for the grant.

The document stated that before the agency could use the money, it would "implement rules, regulations, policies, and/or practices that ensure that U.S. Department of Homeland Security personnel have access to any of the governing body's correctional or detention facilities in order to meet with an alien (or an individual believed to be an alien) and inquire as to his or her right to be or to remain in the United States."

It also stipulated that the agency would implement policies ensuring DHS would be notified of the release date and time of any undocumented immigrant in custody.

North County advocates have been pushing the agency not to accept the grant ever since they heard of its terms and conditions.

"Even though Chief Carter felt it didn't violate SB54, we felt it violated the spirit of the law," said Ricardo Favela of Alianza Comunitaria, which has been monitoring immigration enforcement activity in North County. "It was a public process that we needed to have a say in."

On Jan. 11, a group of North County immigration advocates, including representatives from Alianza Comunitaria, American Friends Service Committee San Diego and the California Immigrant Policy Center held a press conference at Escondido's city hall, calling for the department to reject the grant and comply with the California Values Act, which went into effect in January and is supposed to restrict how and when local law enforcement agencies can work with federal immigration agents.

The organizations also put out a call to action in early February, asking community members to flood the police department and mayor's office with phone calls and e-mails imploring the department not to accept the grant.

"I would like to think it has to do with community efforts and relationships being built between the community and law enforcement," Gomez said, who has been meeting with law enforcement throughout the county about the implementation of the California Values Act. "Hopefully the department heard us."

Favela said the call-to-action reached about 30,000 people on Facebook.

"We felt that we needed to take action because we heard of the city's application for a grant that asked them to collaborate with ICE agents," Favela said. "We felt this was uncalled for, we needed to let the community know, let our base know this was happening. I do know that it was enough

for Chief Carter to have gotten the message. He had let us know that his office was full of phone calls for two days."

By this time, the department had already decided not to accept the grant, though Favela and Gomez both said advocates and the community hadn't been notified of the department's.

## **Official: Teens In Migrant Shelters Have No Abortion Rights**

By Nomaan Merchant

Associated Press, February 28, 2018

HOUSTON — The U.S. government official whose office oversees shelters for unaccompanied immigrant minors said in testimony released Wednesday that pregnant teens in his agency's care have no right to an abortion under the Constitution.

Scott Lloyd, the director of the U.S. Department of Health and Human Services' Office of Refugee Resettlement, gave a deposition in December as part of an ongoing lawsuit over abortion access for immigrant minors. The American Civil Liberties Union, which released Lloyd's deposition, has sued the government alleging that it is unlawfully restricting minors from having abortions.

Lloyd said in the deposition that he had not approved any abortions since becoming ORR director in March 2017. That has led to several instances where the ACLU has gone to court on behalf of pregnant teens.

An immigrant teen in Texas obtained an abortion in October after a federal appeals court overruled ORR's objections. In December, a federal judge allowed two other teens to have abortions, and a fourth minor who wanted an abortion was released in January and became free to obtain one on her own.

Asked in the deposition by ACLU lawyer Brigitte Amiri whether he believed that unaccompanied minors have "no constitutional right to abortion," Lloyd replied, "Yes."

He also confirmed that he directed shelters funded by ORR to provide teens asking for an abortion with "life-affirming" counseling to encourage them to carry the pregnancy to term.

"Life-affirming options counseling does not exclude information about life-negating options," Lloyd said in the deposition. "It just affirms the life options ... the ones that involve or don't involve the destruction of life."

Emails and memos released by the ACLU show that since taking office, Lloyd spoke to one pregnant teen and offered to find her "a few good families" who would "see her through her pregnancy."

He also refused the abortion request of a teen who had been impregnated as a result of rape. He implied that abortion and rape were both forms of "violence."

Lloyd's position on whether immigrant teens have a constitutional right to abortion mirrors the arguments made by Texas Attorney General Ken Paxton, a Republican. In one court filing joined by 10 other states, Paxton's office said allowing teens in custody to have an abortion would turn Texas into a "sanctuary state for abortions."

Paxton also argued that immigrants in the U.S. illegally do not have all of the same rights under the U.S. Constitution as citizens.

Amiri, in an interview, accused President Donald Trump's administration of using "a deliberate tactic to go after the most marginalized."

"There's no coincidence that the Trump administration is so anti-immigrant, so anti-abortion," Amiri said. "Picking on unaccompanied immigrant minors is the confluence of two issues that we know that the Trump administration has targeted."

The Department of Health and Human Services declined to comment.

ORR notified all shelters the same month that Lloyd took office that any abortion requests required the approval of the director unless the minor's life was in danger.

Jonathan White, ORR's deputy director, said in a separate deposition that the office's headquarters had received "about seven" abortion requests since last March. Under the Obama administration, White said, ORR only required the director's approval to end pregnancies that required federal funding outside of government policy known as the Hyde Amendment, which bars the use of government money to pay for any abortion not caused by rape or incest or that endangered the life of the woman.

Lloyd previously worked for the Knights of Columbus, which opposes abortion, and has written extensively about his own opposition to abortion.

In refusing all abortions, ORR is separating itself from U.S. Immigration and Customs Enforcement, which allows adult women in its custody to have abortions. ICE assumes the costs of any abortion if the pregnancy was caused by rape or incest.

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## **'It's A Bit Of A Nightmare': Immigration Crackdown Squeezes US Horse Racing**

Immigrants from south of the border play a crucial role in the US racing industry but they're starting to feel the effects of the Trump administration

By Daniel Ross

The Guardian (UK), February 28, 2018

Last year when the new administration first moved into the White House, those industries that rely heavily on a

migrant workforce braced themselves for the long-heralded immigration crackdown – none more so than those involved in horse racing, in which some were “terrified” at the thought of the anticipated purge.

One year on, the administration has lived up to that particular campaign promise. The combined effects of ICE raids, an inadequate visa system and a lack of US citizens willing to put in the long, hard hours that racetrack life demands continue to put the squeeze on an industry that's already fighting for air in the nation's over-crowded sports marketplace.

“The current system keeps you on such pins and needles as to whether or not you're going to have a workforce, it's hard to plan or try to expand or try to do anything bigger,” says veteran trainer Dale Romans, one of the sport's most outspoken proponents of immigration reform.

Romans won't employ illegal immigrants to exercise and care for his horses. And so, he relies on H-2B visas to make sure his foreign workers are all legal and above board. But H-2B visas – a temporary work permit used by all sorts of seasonal industries, like landscaping and tourism – are, unsurprisingly, in extraordinarily high demand. Only 66,000 such visas are issued every year. But when the latest batch of 33,000 H-2B visas were made available on 1 January this year, the number of applications submitted on that day alone covered 81,008 worker positions – more than two and a half times greater than the visa allotment, and approximately three times larger than the number of applications submitted on the same day last year.

What's more, while Romans hasn't as yet had an H-2B visa application denied under the new administration, he says that the application process is proving even more of a bureaucratic nightmare than usual. “There's no rhyme or reason why they approve or deny our visas,” he says. “For me, I don't understand why it has to be so hard.”

Will Velie, an Oklahoma-based immigration attorney with a number of clients in the racing industry, confirmed that the H-2B application process has been more turbulent than usual. “We had a whole series of them denied last year,” says Velie, who added that the applications were then unilaterally reopened by the immigration department. “We were sent a second request of evidence, we answered them, and they were approved. So, there must be some push and pull between headquarters and the field offices.”

Exacerbating the problem has been how the “returning worker” exemption – which allowed existing H-2B holders to keep returning and working in the US on the same visa – still hasn't been reinstated after being nixed in 2016, despite much industry pressure being exerted on Washington. And this general climate of confusion is contributing to a “vast decrease” in the pool of workers looking for employment on the nation's racetracks, says Velie.

“In the past, there would have been people walking the barns looking for work. But those people are gone,” he says. “I'm not sure if they've left the country, or if they're just too scared to come out to public places like tracks. I'm not sure what's caused it exactly. But in the last year, the knock-on effect of the rhetoric and increased enforcement has definitely taken a toll on the labor market.”

Within the past year, a number of racecourses around the country have found themselves within the crosshairs of immigration enforcement. During a targeted raid at Indiana Grand racetrack last June, eight backstretch workers were arrested, reportedly for legal issues like DUI charges and failure to appear in immigration court. In the upstate New York city of Saratoga Springs, home to Saratoga racetrack, eight men from Mexico were arrested last September.

While none of the men worked on the backstretch, says Albany-based immigration attorney Leonard D'Arrigo, the arrests only add to a “widespread fear” among horsemen that ICE will target the track later this year when it operates its annual summer meet. Rather than raids, however, trainers could fall foul of other enforcement measures, like an anticipated uptick in I-9 work authorization inspections, warned D'Arrigo, whose firm represents several trainers with a large national presence. “Now they want to go after the magnet for these illegal workers,” he says. “That's why we're seeing this shift, focusing on going after employers, not only for fines and monetary penalties but also for criminal, federal charges.”

Nor do so called “sanctuary cities” afford racetrack workers much shade – rather, the opposite could be true. That's because ICE agents appear to be retaliating against municipalities that publicly identify themselves as sanctuary cities, says Julio Rubio, an immigration adviser to the Horseman's Benevolent and Protective Association. Then there's the Catch-22 facing undocumented workers looking to get on the right side of the law: they must return to their home country for legal work authorization, but by doing so, they can be barred from returning to the US for up to 10 years.

All of which is having an effect on the industry's backstretch workforce, says trainer Tom Morley, currently based at Fair Grounds racetrack, in New Orleans. “Certainly here, we've seen a decline in the numbers of available grooms and hotwalkers,” he says. “And it's probably only going to get worse.” Indeed, even foreign-born employees with work authorization are rattled by the immigration crackdown, some in the sport say.

According to Tommy Edwards, a Fair Grounds-based groom, a handful of his colleagues who are legally permitted to work in the US have, in the past year, returned home to their countries of origin. “Even if they've got their papers, they don't understand. They're scared, and they leave,” he says. “I've known a few Hispanic friends who have gone back to Mexico, to where they feel safer.”



And there's wide agreement that ultimately, if too few foreign workers are able or willing to perform the daily duties caring for the nation's army of racehorses – skilled work that not only requires suitable experience with these potentially dangerous animals, but the desire to put in long, unsociable hours – there's going to be a vacuum where US citizens fail to fill the breach.

"I can't see where any of these people interfere with American jobs," says George Crimarco, a Florida-based immigration attorney who currently represents hundreds of clients in the horseracing industry. "[US citizens] don't want these jobs anyway." And trainer Dale Romans agrees.

"Horseracing's a lifestyle," Romans says. "You've just got to really love the horses to want to be involved with this sport. But there's just too many other opportunities for people to take that aren't manual labor jobs. We totally need this immigrant workforce. Hopefully the government sees that."

That's because, even when trainers have managed to find local employees to fill vacant positions, the people hired haven't always shown the requisite skill or commitment for the job. "My three hotwalkers here are all from New Orleans. But at the same time, we've been through seven of them since the beginning of the meet [last November]. They're not exactly the most reliable," says Morley. "They come and go ... It's a little bit of a nightmare."

## **Immigration Enforcement Has Students Fearful And Depressed**

By Suzanne Gamboa

NBC News, February 28, 2018

Schools in the South were most affected. More than one of seven educators in the South and one in eight nationally, reported that students' learning was significantly affected because of their concern over classmates' being deported.

"This is affecting everybody," Gándara said. "Other kids in the classroom, in the school, these are their friends, and their classmates are walking into the classroom and seeing empty chairs."

Justin Minkel, who was Arkansas Teacher of the Year in 2007 and teaches first-graders, said all of his students are immigrants, with some documented and some not. About 99 percent of students in his school are poor, he said.

"There are a lot of heartbreaking cases," he said.

One of his students this year is 6 and his mother can't get health care because she is not here legally. Her kidneys are failing. She struggles daily with whether to go back to Mexico to get care and risk being able to return to her child. Related

Students feel the effect of the president's rhetoric on immigrants at a "visceral" level, he said. One young student he found crying soon after Trump's election told him she and

her mom would have to put their things in a bag that night in case they were forced to leave.

"I always kind of think our job is to help kids live the lives they dream. It goes so far beyond teaching, reading and writing and math. It's making them feel safe," Minkel said. "There is a real feeling of not being safe."

He said the school superintendent has been supportive and has told the district personnel that where the children come from doesn't matter, because "once they walk through the door they are our children."

Lupita Ley Hightower, superintendent at Tolleson Elementary School District in Tolleson, Arizona, said teachers often call her about how to console or counsel students "in crisis" over immigration because she was once undocumented herself.

She said her school has a number of programs to help ease fears, including working with parents to provide information about their rights, connecting students seen as anxious or depressed with an individual "caring adult," training teachers and encouraging children to "time travel" to see themselves in reaching their future dreams. She said they refer to their children as kids at hope, rather than kids at risk.

Her school district is more experienced in dealing with the effects of immigration crackdowns having experienced former Maricopa County Sheriff Joe Arpaio and SB1070, a law the state passed that widened local officials' immigration enforcement powers.

"We really try to create the safest atmosphere in school for parents and the community," Hightower said.

Dan Domenech, executive director of AASA, the School Superintendents Association, said the immigration enforcement fallout is being raised at association meetings.

Children come to school in tears, worried that their parents will be taken away and that immigration officers are going to come into the school and arrest them, Domenech said. Children are also dealing with backlash from other students who taunt them, he said, such as chanting "build the wall," which was often heard at Trump's campaign rallies and speeches.

"The atmosphere in school is certainly affected and charged," Domenech said. "Students are very much being impacted by this. They live in fear."

That adds to the litany of issues educators are dealing with, including school shootings and anxiety over loss of health care. Although Congress eventually funded the Children's Health Insurance Program, or CHIP, potential cuts to Medicare funding have put about \$4 billion in funding for special education in jeopardy, Domenech said.

Lily Eskelsen Garcia, president of the National Education Association, said at Wednesday's news conference that a second grade teacher from Colorado

sought her advice on explaining the behavior of one of her students to his classmates.

"She said one of my students comes to school every day – this is a kindergarten student – with what he calls 'all my special things in case they come to get me.' She said 'How do I explain to the other kindergartners what he is afraid of?'"

She added later, "For the first time in history, the children of our country are afraid of our president ... it's why they are turning to us, it's why they are turning to their teachers, to someone they can trust," she said. Related

Gándara said the survey found teachers, counselors and administrators are also feeling stress and anxiety because of what their students are facing and the atmosphere they're trying to educate in.

Many respondents said they had students with family members who had been deported and the deportations were known to the entire class and community, which reinforced fears about students' own safety or of their friends.

Educators also said one or both parents of some students have been deported or lost a job because of their immigration status, making things even worse for some students.

"I want to tell them things will be all right, to make them feel better, but I know I cannot truthfully say this," one teacher said in the survey. "Things may not be all right."

Additional findings from the survey include:

Eighty percent of respondents said they had seen behavioral or emotional problems in students as a result of stepped-up immigration enforcement. The problems were usually described as crying, being unable to speak, being distracted or feeling depressed.

A clear majority (57.4 percent) of respondents said they are seeing increased absenteeism, which can affect school funding. Respondents reported students hiding for days while news of raids circulated. By skipping school, some children miss the only meal they may get that day.

More than 60 percent of respondents reported some decline in academic performance in students, although they also reported notable resilience in spite of the circumstances. Teachers reported seeing grades plummet among students who had been high achievers or had been working toward college.

Students are going to work to help support families or take on a missing parent's duties. For example, one fourth-grade teacher in the Northeast told researchers that her student "told me that her mom is teaching her how to make food and feed her baby sister in case the mom is taken away."

More than 85 percent of teachers and administrators reported increased of their own anxiety and stress over what their students' are going through. They also reported a sense of helplessness. One elementary school administrator told the

researchers he found himself "lying awake at night over whether I should offer to take temporary custody of a child or children in the event that their parents are deported unexpectedly, and that is emotionally exhausting in an entirely new way."

## **With ICE Chase And Laughs, Filmmaker Nelson A. Denis Puts Human Face On Immigration**

NBC News, February 28, 2018

He has been an attorney, a politician, a journalist and an author. His first film had the honor of premiering at the Tribeca Film Festival. Now Nelson A. Denis, 62, is back with a new movie, *Make America Great Again*, that he hopes will help audiences understand the human cost of our immigration policies.

As Denis describes it, his latest film is "the story of a Dominican dreamer who comes to the U.S. in search of the American dream and finds a nightmare. Instead of a job he is given the title of 'Public Enemy Number 1' and is chased by ICE agents for nearly half of the movie."

This movie has personal resonance for Denis. When he was 8 years old, the FBI knocked on the door of his family's apartment in Washington Heights at 3 AM. His father, accused of being a spy, was arrested and immediately deported to Cuba. This was in November 1962, shortly after the Cuban Missile Crisis. Denis never saw his father again.

In "*Make America Great Again*," Angel Salazar plays Rogelio Yola.

Denis sees *Make America Great Again* as "a distress signal, an S.O.S., a call to recover our national spirit" and hopes to have his film on the festival circuit shortly as a prelude to a wider release (though the fact that Trump has trademarked the slogan "*Make America Great Again*" could present licensing complications).

Asked whether audiences are ready for a story about immigration enforcement that contains comedic elements, Denis said, "Yes. The Italian neo-realists used humor to enrich their stories, as did Truffaut in *The 400 Blows*, Robert Altman and (Indian filmmaker) Satyajit Ray. Some of the world's greatest films have used humor to convey a serious subject matter, in a way audiences can understand and appreciate."

*Make America Great Again* is part of a larger trend of incorporating immigration stories into TV and film productions. Shows like *Jane The Virgin*, *Superstore*, and the Netflix reboot of *One Day At A Time* have all had story lines involving undocumented immigrants.

Denis is aware that the title of his film may carry negative connotations for Latinos. To him, such racially-coded language is evidence of a divided and schizophrenic society, a situation he hopes to alter.

"These days, there is a lack of humanity when we talk about DACA and building a wall," Denis told NBC Latino. "Trump dehumanizes people, which makes it easier to attack them. I hope to put a human face on this issue, and show that the physical and emotional violence that people suffer is not an abstraction." Related

Filmed last summer, *Make America Great Again* was shot in the diverse neighborhood of Washington Heights in New York City. Denis intentionally incorporated local landmarks like the United Palace Theater, the Iwo Jima Memorial, the Morris-Jumel Mansion, the Audobon Ballroom (where Malcolm X was shot), and the George Washington Bridge into the film, to make his characters' surroundings part of their story.

"It is striking to me, that in this very historic neighborhood, where George Washington once lived," Denis said, "we have over 100,000 undocumented people living in the shadows because of the current immigration climate. There is real dramatic, symbolic tension in that, this inner turmoil of people who are like shadows on the sidewalk."

Shooting the film in Washington Heights posed its own challenges. During one scene, a carload of real ICE agents pulled up and offered to assist in a (fictional) arrest taking place. Many local residents, Denis recounted, shared their own personal stories about encounters with immigration agents. The film includes everything from a subplot involving an EB5 visa scam, to sly digs at New York City real-life politicians.

The final credits note that "No animals or Republicans were harmed during the making of this motion picture."

In the film *"Make America Great Again,"* Tati (Gloria Zelaya) leads her brother Rogelio (Angel "Chi Chi" Salazar) on a guided tour of Washington Heights.

Denis is the film's writer, producer and director, which features comedian Angel Salazar (best known from *Scarface*), Gloria Zelaya, Gissel Romero, and Mayada Moussad. Denis himself plays multiple supporting roles.

With his largely Latino cast, Denis is bucking another trend in film. According to a 2017 University of Southern California study, while Latinos make up 23 percent of frequent movie-goers, only about 3 percent of speaking roles in films over the last decade went to Hispanics. In the last 20 years, only three Hispanic actors have won an Academy Award. This lack of representation and recognition led the National Hispanic Media Coalition to protest at the Oscars luncheon in February. Related

This film marks the latest chapter in Denis' atypical, accomplished career path. He is a graduate of Harvard College and Yale Law School. He has served as the editorial director of *El Diario/La Prensa*, the largest Spanish-language newspaper in New York, and represented El Barrio/East Harlem as a New York State Assemblyman from 1996 to 2000. His 2003 film, *Vote For Me!*, about a 70-year-old Puerto

Rican building superintendent who runs for Congress, was hailed by the New York Times as "reminiscent of *Do the Right Thing* by Spike Lee, but with a lighter touch."

In 2015, Denis authored *"War Against All Puerto Ricans,"* which was the top-selling book on the island for 2015-2016. His op-ed for *Publishers Weekly*, entitled, "Dear Publishers, Latinos read books, too" was the magazine's second-most read editorial of 2017. In the aftermath of Hurricane Maria, he has also written about Puerto Rico for national publications

Rogelio (Angel Salazar) chased by ICE agents all over Washington Heights, NYC in *"Make America Great Again."*

Denis believes that the throughline in his career is humanism. "When I was in politics, there were very serious and profound needs in my community, in East Harlem. With my book, I wanted to raise awareness of what it means to be Puerto Rican, and what the island's relation is to the U.S."

"Now, with *Make America Great Again*, I hope I can contribute to the evolving dialogue in this country," he added. "I think (the movie) will have a healthy life because it will promote and be part of the conversation about immigration. It is a small movie, yet sometimes very small things can start a series of consequences."

## The Supreme Court's Latest Immigration Ruling Formalizes Terror Against Latinos

By Daniel Peña

NBC News, February 28, 2018

The U.S. Supreme Court ruling in *Jennings v. Rodriguez* on Tuesday is a bizarre and dark new development in the American experiment. Not only because it's a breakdown of the court's ability to properly interpret the constitution (as they formally institutionalize a de facto second class of citizens), but because it's a dereliction of the court's duty as a part of a system of checks and balances designed to protect the constitutional rights of people in this country, regardless of country of origin, from a tyrannical government that would subvert our founding document for political or racist ends.

This ruling only formalizes what many of us in the Latinx community have known for generations: that the perpetuation of systems and laws that instill fear in immigrants (detained or not) is a form of state-sponsored terror. Now the court is complicit and part of that terror. And as pathways to legal status for immigrants come under attack by the current administration, this kind of terror is increasingly designed to incarcerate people for no other reason than for their inability to access pathways toward legal status — which is how this ruling will likely be used by this current administration.

The court ruled in *Jennings v. Rodriguez* that all immigrants, even those with protected legal status or asylum seekers, do not have a right to periodic bond hearing after

detention, which makes it possible for them to be detained indefinitely. The defendant, Alejandro Rodriguez, who was brought to the United States from Mexico as an infant and became a permanent legal resident, was detained for three years for joy riding and possession of a controlled substance; the ACLU was fighting for his right to a hearing.

It comes a day after another Supreme Court decision not to rule on the Obama-era Deferred Action for Childhood Arrivals program, which in effect leaves that program safe for at least another year. But while the ruling on DACA might give the impression of an impartial system of courts, the latter development undermines that illusion by giving this discriminatory Trump administration its seal of approval in the name of the law.

All three branches are now in sync with their consensus to terrorize detained immigrants, documented and undocumented alike. And the explicit message of this ruling against Rodriguez is that, no matter your legal status, the constitution does not work for you if you're an immigrant. You can be extracted from the American fabric for seemingly arbitrary reasons, by virtue of that now-institutionalized second class status.

What we've seen is the majority of this court, our last branch of un-bought government, actively buying out of the idea of America as a melting pot, as a nation of immigrants who deserve certain unalienable rights, not unlike life, liberty and the pursuit of happiness.

This should be a wake-up call to anyone who thought (maybe still thinks) that they have nothing to fear because they are documented, or that they have nothing to fear because they're not Latinx, or that they have nothing to fear because they are another type of immigrant, or they have nothing to fear because they've done nothing wrong. The ruling makes it possible to target, criminalize and then indefinitely detain someone for no other offense than being systematically denied a pathway toward legal status in the first place — or even if they did.

If we've learned anything from the #BlackLivesMatter movement, it's that this country has ways of creating probable cause when it seeks to dispose of you. And in a country that incarcerates more if its population — by number and percentage — than any other place in the world and in era where private prisons are in rapid expansion, it's reasonable to ask whether if immigrants are the target today, who else might be tomorrow.

In the context of the historical terrorization of the Latinx community (and not just the Latinx immigrant community) through workplace documentation audits, workplace raids, deportation proceedings and traffic stops, it's hard to see this ruling as anything but unhinged new turn that will have a chilling effect on public dissent among America's immigrant and Latinx population, effectively undermining the first

amendment of the constitution — free speech (which seems oddly appropriate for the post-truth era).

We have to be vigilant about dismantling our immigrant class — already consigned to second-class status — while maintaining the rights of those who have been legally condemned to that class. Under this administration, it's not a given that citizens won't fall prey to these same systems being put into place to remove from America the people some conservatives have declared racially undesirable, especially now that all three branches of our government are in-step and moving toward a common fate.

## How Immigrants And Minorities Have Boosted U.S. Hard Power

By Mark Stout

War on the Rocks, February 28, 2018

President Donald Trump's recent comments at the CPAC convention were unsurprisingly lurid but reflect widely held fears about the dangers that immigrants pose to life and limb in America. The president told a parable about a snake who asks to be taken into a woman's home and then bites her. When the dying woman asks why the snake did this, the serpent replies, "Oh, shut up, silly woman.... You knew damn well I was a snake before you took me in." After basking in the applause, Trump added, "And that's what we're doing with our country, folks."

One of the thorniest policy issues facing the United States today is immigration. Too often those who seek to drastically reduce or even end immigration portray themselves as the only ones who care about national security. Fears like the president's are overblown, to put it mildly, but they also neglect the fact that the United States reaps great security benefits from being a nation of immigrants.

This is not a reference to the fact that many minorities have served the U. S. national security community honorably and often bravely. Perhaps the most famous such contribution to American military efforts is that of the U.S. Army's 442nd Infantry Regiment. During World War II this unit was manned almost exclusively by Japanese-Americans and it covered itself in bloody glory in Europe. Though the bravery and skill of the men of the 442nd was legendary, they performed tasks that members of any American ethnic group could have performed.

More to the point, immigrants, their children and grandchildren, and the minority communities they create have often bolstered American national security precisely because of their ethnicity. The United States needs to be able to exert power, often coercive and subversive "hard" power, around the world and even at home. Often, the efficient and effective application of hard power requires knowledge of languages and cultures that comes most easily to those born and raised

in them. By the same token, the lack of such expertise can cost the United States dearly. Also, immigrants and refugees often have a burning passion to fight whatever tyranny or injustice forced them to flee their homelands. This has often led them to volunteer to work in the American defense community. A quick walk through the last hundred years of history shows how immigrants have uniquely contributed to U.S. national security, a lesson that should be kept in mind as some American policymakers seek to curb immigration on the grounds that it makes the country less safe.

During World War I, politicians including Woodrow Wilson and Theodore Roosevelt emphasized "100 percent Americanism" and encouraged suspicion of "hyphenated Americans." During this time, however, the man who headed the American Expeditionary Forces' espionage operations and covert actions against Germany and the Austro-Hungarian Empire was Emanuel Viktor Voska, a politically active Czech immigrant. Voska knew the fault lines of the Austro-Hungarian Empire and wanted to see his Czech and Slovak brethren freed from the that empire's yoke. Late in the war, Voska and his son were dispatched to Italy, from where they used their cultural knowledge to encourage Czechs and Slovaks to desert, come over to the Italian side, and form units to fight alongside the Allies. Similarly, during World War II, many of the intelligence analysts in the Office of Strategic Services — the forerunner of the CIA — who studied Nazi Germany were refugees from Germany, often Jews. Legally speaking, many of them were enemy aliens. But they made great contributions to the American war effort, especially by laying the analytic groundwork for the occupation of Germany and for the Nuremberg War Crimes Tribunals.

After the war, the Lodge-Philbin Act of 1950 allowed resident aliens to enlist in the U.S. military. Some 2,000 Eastern Europeans joined and many of them served in special forces units that would have operated in Eastern Europe had World War III broken out. Similarly, during the Cold War, many East Europeans, Russians, and, later, Cubans also joined the CIA or served in organizations it sponsored. A particularly large number of emigres were employed in the CIA-funded "radios," Radio Free Europe and Radio Liberty, which broadcast news and entertainment behind the Iron Curtain, in the process being deeply subversive of the communist systems in those countries. One notable Cuban-American who worked with the agency was the legendary Félix Rodríguez, who — among many other contributions — worked alongside the Bolivian Army as it tracked down and killed Che Guevara.

After efforts against Castro's Cuba faltered, a number of Cubans working for the CIA found themselves diverted to operations in Africa. More than 100 Cubans operated against communist guerrillas in the Congo during the 1960s, at one point rescuing a group of American hostages being held by the other side. Their anti-Communist beliefs made them

happy to serve, and it was observed that they could be "completely deniable," thus providing a unique intelligence advantage to the United States.

The 1960s were also the era of the Vietnam War, not a sterling success for the United States. In his memoirs, former Secretary of Defense Robert McNamara blamed that catastrophic debacle in part on the fact that the U.S. government had few experts on Vietnam. There were multiple reasons for this, including the fact that the government had never viewed Vietnam as of tremendous importance and that many Asia hands had left the government in the 1950s as a result of the actions of Senator Joseph McCarthy and others of similar persuasion. Another contributing factor, however, had to be that the Vietnamese-American community was of negligible size. In fact, between 1950 and 1974 only 650 Vietnamese came to the United States, not counting those who came for academic or military training.

The FBI, too, has benefitted from the service of immigrants. A particularly striking example in the national security realm is that of Dimitry Droujinsky, the son of Russian immigrants to Palestine who later came to the United States. Droujinsky had a multi-decade career in the FBI; his specialty was impersonating KGB officers to ensnare Americans who had spied for Moscow. His career reached all the way into the late 1990s when he came back from retirement to help bring to justice David Sheldon Boone, a former National Security Agency official who had sold sensitive documents to Moscow in the last days of the Cold War. Boone had Russian-language training and might not have been fooled by an FBI agent who had learned his Russian in a classroom.

Since 9/11, the role of ethnic minorities in the application of American hard power has only grown. Many Afghans and Iraqis, both immigrants and native-born American citizens, have worked as contractors at the National Training Center and the Joint Readiness Training Center, playing Afghan and Iraqi villagers to help U.S. Army personnel train for deployments in theater. In 2008, the secretary of defense launched a program called Military Accessions Vital to the National Interest (MAVNI) intended to bring people with much-needed language and medical skills into the military in exchange for a fast track to citizenship. More than 10,000 people joined the military, mostly the U.S. Army, through the program. The vast majority of those are still serving, though the program is presently on hold. As of 2009, approximately 87 percent of the personnel recruited under MAVNI had at least a college degree, whilst 29 percent had a Master's degree or higher. In 2017, however, the Pentagon put the MAVNI program on hold and its future prospects are uncertain.

Most recently, a 2017 book entitled *American Radical: Inside the World of an Undercover Muslim FBI Agent* tells the story of an Egyptian-American Muslim policeman who was

motivated to join the FBI out of patriotism and also anger over the way al-Qaeda was defiling his religion and bringing hardship on Muslim-Americans. Under the pseudonym of "Tamer Elnoury," he was able to ingratiate himself with a group of jihadists who were operating in Canada and the United States and who were in contact with senior al-Qaeda leadership. Due in part to his efforts, one of those jihadists was expelled from the United States and the others are in prison.

These contributions may seem marginal. But imagine if China had cadres of intelligence officers and military personnel who could pass for natives on the streets of Washington, Tokyo, Canberra, Manila, New Delhi, and Moscow. It seems self-evident that would make China even more powerful. Surely the same logic applies to the United States.

"Elnoury" summarized the issue in the closing lines of his book. "Keeping America's doors open ensures that when we are threatened by an enemy, we will always have someone who looks like them to help defeat them. Our best defense is inclusion."

Dr. Mark Stout directs graduate programs in Global Security Studies and Intelligence at Johns Hopkins Krieger School of Arts and Sciences Advanced Academic Programs in Washington, DC. He has previously worked for the Department of the Army, the State Department, the CIA, and the Institute for Defense Analyses.

## The Cruel Ploy Of Taking Immigrant Kids From Their Parents

By Dora Galacatos, Alan Shapiro And Brett Stark  
*New York Times*, February 28, 2018

The Department of Homeland Security may soon formalize the abhorrent practice of detaining the children of asylum-seekers separately from their parents. Immigrant families apprehended at the southwest border already endure a deeply flawed system in which they can be detained indefinitely. In this immigration system, detainees too often lack adequate access to counsel. But to unnecessarily tear apart families who cross the border to start a better life is immoral.

Sadly, such separations are already happening. The Florence Project in Arizona documented 155 such cases by October and other immigrant advocacy organizations report that children are being taken away from their parents. If the secretary orders this practice to be made standard procedure, thousands of families could face unnecessary separation.

The Trump administration's goal is to strong-arm families into accepting deportation to get their children back. Kirstjen Nielsen, the secretary of homeland security, admitted this when she told the Senate on Jan. 16 that separating

families may "discourage parents" from seeking refuge in America.

But the increasing informal use of family separation has not proved to be a deterrent. Last year, the number of family apprehensions at the southwestern border skyrocketed from 1,118 families in April to 8,120 in December.

Parents will continue to flee violence to protect their children and themselves. It is reprehensible to punish them for that basic human impulse. It is also despicable that the government would use children as bargaining chips. This policy is tantamount to state-sponsored traumatization.

Those of us who have seen the sites where families are detained and work directly with children and families who have gone through the system know what's at stake.

The children we work with call the Border Patrol processing stations for migrants stopped at the border "iceboxes" (hieleras) and "dog kennels" (perreras). "I was wet from crossing the river and it was so cold I thought I would die," one child said.

Another told us: "The lights were kept on day and night. I became disoriented and didn't know how long I had been there." A third said: "I was separated from my older sister. She is the closest person in my life. I couldn't stop crying until I saw her again a few days later."

In our work we have heard countless stories about detention. But the shock of bearing witness to them is hard to put into words. In McAllen, Tex., you enter a nondescript warehouse, the color of the dry barren landscape that surrounds it. It could be storage for just about anything, but is in actuality a cavernous, cold space holding hundreds upon hundreds of mostly women and children.

Chain-link fencing divides the harshly illuminated space into pens, one for boys, a second for girls and a third for their mothers and infant siblings. The pens are unusually quiet except for the crinkling of silver Mylar blankets. This is where family separation begins, as does the nightmare for parents and children.

The parents whose sons and daughters have been taken from them are given two options: either agree to return home with their children — or endure having those children sent on to shelters run by the Health and Human Services Department while they themselves languish in detention centers scattered around the country.

This country's medical and mental health organizations in the country have rightly recognized the trauma of this practice. The American Academy of Pediatrics has condemned immigrant family separation, and family detention overall, as "harsh and counterproductive." The American Medical Association has denounced family separation as causing "unnecessary distress, depression and anxiety."

Studies overwhelmingly demonstrate the irreparable harm to children caused by separation from their parents. A parent or caregiver's role is to mitigate stress. Family



separation robs children of that buffer and can create toxic stress, which can damage brain development and lead to chronic conditions like depression, post-traumatic stress disorder and heart disease. For that reason, more than 200 child welfare, juvenile justice and child development organizations signed a letter demanding that the Trump administration abandon this ill-conceived policy.

Family separation is also unjustifiable legally, as "family unity" is central to our immigration laws and our longstanding policy of reuniting citizens and permanent residents with their relatives.

More fundamentally, family separation is anathema to basic decency and human rights. For our government to essentially hold immigrant children as hostages in exchange for the "ransom" of their parents' deportation is simply despicable.

It is every parent's nightmare to have a child snatched away. To adopt this as standard procedure to facilitate deportations is inhumane and does nothing to make Americans safer. This country, and Secretary Nielsen, must reject family separation.

## **IMMIGRATION ENFORCEMENT**

### **Trump Touts Immigration Enforcement Efforts In AM Tweets**

By Tal Kopan

CNN, February 28, 2018

Washington (CNN) President Donald Trump had immigration on his mind Wednesday morning, firing off a collection of tweets praising his administration's efforts.

Trump started by hailing a court ruling on Tuesday that allowed his border wall to proceed, but seemed to acknowledge that no actual construction on any new border barriers can begin until Congress authorizes funds.

"I have decided that sections of the Wall that California wants built NOW will not be built until the whole Wall is approved. Big victory yesterday with ruling from the courts that allows us to proceed. OUR COUNTRY MUST HAVE BORDER SECURITY!" Trump tweeted.

Trump did not mention that he had previously attacked the judge, Gonzalo Curiel, when he presided over a lawsuit against Trump University. Trump said in 2016 that Curiel, who was born in Indiana, was biased against him due to his Mexican heritage.

It was unclear what sections Trump was referring to in his tweets. His administration has built wall prototypes in San Diego and were authorized to put up replacement fencing in that region as well, which was the subject of the court ruling the administration won on Tuesday. Many California politicians, a state largely controlled by Democrats, have

been opposed to Trump's long-promised wall and his aggressive immigration agenda.

The Department of Homeland Security and White House did not respond to requests for comment or explanation.

Trump followed up his border tweet with another praising his administration's efforts.

"45 year low on illegal border crossings this year. Ice and Border Patrol Agents are doing a great job for our Country. MS-13 thugs being hit hard," he tweeted.

That tweet followed shortly after an appearance by acting Immigration and Customs Enforcement chief Tom Homan on Fox News, who mentioned the 45-year low on border crossings during an interview about the overall administration's immigration and border efforts.

During Trump's first months in office, the number of people apprehended or turned away at the Southern border plummeted to historic lows, a trend the administration touted as evidence of the effectiveness of its hardline position. But those numbers have also ticked back up over the summer and into winter, reaching a level similar to all but the final few months of the Obama administration.

Homan credited "the President's leadership" with the drop at the border and said it demonstrated that enforcing immigration laws "has an effect."

### **Who Is Thomas Homan? Meet The Acting ICE Director Vowing To Crack Down On Sanctuary Cities And Build A Wall**

By Jennifer Earl

Fox News, February 28, 2018

From campaigning for a new border wall to cracking down on sanctuary cities, Acting Director of U.S. Immigration and Customs Enforcement (ICE) Thomas Homan says he'll "never back down" from safeguarding the border and advancing President Donald Trump's agenda.

"If you violate the laws of this country, if you enter illegally, which is a crime, it's not going to be OK anymore," Homan declared during a speech at the Border Security Expo in San Antonio in early February, adding that he "100 percent support[s] the wall."

In 2017, Homan announced that illegal border crossings were at a 45-year low.

"Under this president, who's now letting us do our job and taking the handcuffs off the men and women of the Border Patrol and ICE, arrests are up," Homan said in an interview on "America's Newsroom" in December 2017.

Trump touted the agency's success in an early-morning tweet on Wednesday.

"45 year low on illegal border crossings this year," the president wrote. "Ice and Border Patrol Agents are doing a great job for our Country. MS-13 thugs being hit hard."

ICE removed 226,000 people from the U.S. in the 2017 fiscal year – down 6 percent from 2016. During the same time period, the agency arrested more than 110,000 people, a 42 percent increase over the previous year.

Homan was appointed ICE director, replacing Daniel Ragsdale, in January 2017. He previously served as ICE's executive associate director of enforcement and removal operations (ERO).

A 33-year law enforcement veteran, Homan served as an NYPD officer and Border Patrol agent before holding several positions within ICE, which was established in 2003.

"ICE was created based on the recognition that global threats have become more dangerous, and a new approach was needed to ensure the security of the U.S. homeland and the American people," the agency explains on its website.

Homan was named assistant agent in charge in Dallas after ICE was created. Nearly a decade later, in March 2009, he transitioned to the role of assistant director for enforcement of ERO before being promoted to deputy executive associate director, according to a statement released by the Department of Homeland Security.

In 2015, Homan was given the Presidential Rank Award, which recognizes individuals for "exceptional performance over an extended period of time."

"Thomas Homan deports people. And he's really good at it," The Washington Post said in an April 2016 profile. What is Homan focusing on as ICE director?

Stepping up enforcement in sanctuary cities like California

ICE began launching "targeted immigration enforcement operations" in major cities, including San Francisco and Los Angeles, after California became a sanctuary state on Jan. 1.

Homan spoke against the state's decision, calling it a "dangerous policy."

"By passing this bill, California politicians have chosen to prioritize politics over public safety," Homan wrote in a statement, adding that this "deliberately obstructs our country's immigration laws and shelters serious criminal alien offenders."

ICE agents arrested more than 150 individuals in violation of federal immigration law in the Oakland and Fresno areas during a three-day sweep at the end of February.

Roughly half of those arrested by deportation officers have convictions for assault and battery, crimes against children, weapons charges and DUIs, according to the agency.

Homan believes the raids would have been more successful if Libby Schaaf, the Democratic mayor of Oakland, hadn't warned constituents on Twitter. He estimates about 800 criminal aliens were able to elude capture, and federal

immigration agents were put in danger because of Schaaf's alert.

"What she did is no better than a gang lookout yelling 'police' when a police cruiser comes in the neighborhood, except she did it to a whole community. This is beyond the pale," Homan told "Fox & Friends" on Feb. 28.

Schaaf says she doesn't "regret sharing this information," adding that no laws were broken by doing so.

Building a better border wall

Homan has repeatedly said he's "100 percent" behind Trump's proposal to build a border wall along the country's southernmost border.

"The border wall is a good tool," Homan said in an interview on "America's Newsroom" in October. "We have proven it worked. Why would we not want to do it?"

In 2017, illegal immigrants from 140 different countries were deported from the U.S., according to Homan, and he believes a border wall would help protect the country.

"Every place they built a barrier, the illegal crossings decreased significantly," Homan told FOX Business' Maria Bartiromo in January.

Making courthouse arrests

In February, Homan signed a policy that sends deportation agents to federal, state and local courthouses to make arrests.

A two-page directive states that ICE agents will enter courthouses only for specific targets, such as convicted criminals, gang members, public safety threats and immigrants who have been previously deported or ordered to leave.

Family, friends and witnesses won't be picked up for deportation, unless there are "special circumstances," according to the agency.

Immigration agents were told to avoid making arrests in non-criminal areas of the court, like family court and small claims, unless it's approved by a supervisor.

ICE reaffirmed its 2014 policy is in place to avoid deportation arrests at "sensitive locations," including schools, day cares, hospitals, places of worship, funerals, weddings and public demonstrations. Courthouses have never been part of that list.

"We're not going to do it in the courtroom, but to me it's safer," Homan said in an interview in November. "It makes sense to arrest a criminal in a criminal courthouse."

The Associated Press contributed to this report.

## Vietnamese Immigrants Sue US Officials Over Detentions

Associated Press, February 28, 2018

SANTA ANA, Calif. (AP) – Vietnamese immigrants have filed a lawsuit alleging U.S. authorities are rounding them up and holding them in detention facilities for

deportation – even though the Vietnamese government has not agreed to take them back.

Vietnam has only agreed to repatriate deportees who arrived in the United States after the two countries renewed diplomatic relations in 1995, the detainees' lawyers said Wednesday.

The attorneys for the detained immigrants believe the Trump administration has started arresting deportees who came to the country before that date to pressure Vietnam to broaden the repatriation agreement.

"They are just using this as an excuse to round up people indiscriminately in the hope they can then convince Vietnam to take them back," said Laboni Hoq, litigation director for Asian Americans Advancing Justice in Los Angeles.

Immigration and Customs Enforcement declined to comment on the lawsuit, which was filed last week in federal court in Southern California with three named plaintiffs and seeks class action status.

About 1.3 million Vietnamese immigrants live in the United States, according to the U.S. Census Bureau.

It wasn't immediately known how many arrived in the country before 1995, but many Vietnamese immigrants came as refugees after Saigon fell to communist forces in 1975.

As many as 10,000 Vietnamese immigrants have deportation orders, in many cases because they lost their green cards after criminal convictions, plaintiffs' lawyers said.

In the past, authorities would typically release the immigrants if they had arrived in the United States before 1995 because of a Supreme Court ruling that generally bars authorities from detaining immigrants after a reasonable period of time if there's no chance of deporting them.

But last year, authorities began arresting Vietnamese immigrants who had been in the United States for decades and were not subject to the repatriation agreement signed in 2008.

Plaintiff Long Nguyen, a 41-year-old resident of Charleston, South Carolina, came to the United States as a child in 1987, according to the lawsuit. He was issued a deportation order in 2012 after a drug charge and released from custody until October, when authorities pulled him over on his way to work and arrested him.

Plaintiffs' lawyers said at least 45 Vietnamese immigrants are involved in such cases and have been held for months.

Vietnamese immigrants were arrested in October in Georgia, Pennsylvania, Texas, Colorado and California, and many were interviewed by the Vietnamese consulate late last year, the lawsuit said.

In many communities, Vietnamese immigrants now fear they could be arrested even if they've lived in the U.S. for decades.

"I live day to day with uncertainty and fear," said Tung Nguyen, an ex-convict-turned community advocate in Orange County, California, who has a deportation order. "If you don't see me tomorrow, just remember me when I am gone."

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## **Audio: Detained Vietnamese Immigrants Facing Deportation File Suit, Seek Release**

Southern California Public Radio, February 28, 2018

Several Vietnamese-born immigrants who have lived in the U.S. for decades have filed a class-action lawsuit after immigration officials detained them for possible deportation.

The lawsuit alleges the Trump administration is bucking the terms of a U.S. agreement with Vietnam that stipulates Vietnamese immigrants who arrived in the U.S. before July 12, 1995, fleeing their war-torn country, are not subject to repatriation.

The group is "largely comprised of refugees who fled Vietnam after the war to escape persecution under the new communist regime," according to the lawsuit filed Thursday in U.S. District Court.

The lawsuit is similar to one filed last fall on behalf of detained immigrants from Cambodia, another nation that takes back few deportees.

Asian community advocates said starting late last year they began seeing stepped-up arrests and detention of Cambodian and Vietnamese immigrants who had old deportation orders, but who could not be sent back.

"I think it's part and parcel of the broader campaign under the Trump administration to remove as many people as quickly, and without providing proper due process rights, as they can get away with," said Laboni Hoq, an attorney with Asian Americans Advancing Justice in Los Angeles, which is representing plaintiffs in both cases.

Two of the Vietnamese plaintiffs, Hoang Trinh and Vu Ha, reside in Orange County and arrived in the United States in 1980 and 1990, respectively, as refugee children. Both became legal permanent residents.

They came to the attention of immigration agents after they were convicted of crimes that made them deportable. Hoang, 41, who is married and has two children, was convicted of a drug charge in 2015 and served a year in prison. In 2017, he was arrested for allegedly possessing a marijuana plant, according to the lawsuit.

After his arrest, he was transferred to U.S. Immigration and Customs Enforcement and ordered removed from the country. He has been held at the Theo Lacy Facility in Orange.

Vu had run-ins with the law as a young adult, the most serious being robbery. Last year, he was arrested and

detained after he failed to pay for a driving without a license citation. He was also ordered removed. Vu has been detained at the Adelanto center.

Although both served their sentences, they remain in the U.S. legally because of Vietnam's limited acceptance of deportees.

The complaint seeks their immediate release from detention, and that of other detained Vietnamese immigrants who arrived pre-1995. At least 40 Vietnamese immigrants who arrived before then are believed to have been held in detention for more than 90 days by immigration officials, according to the lawsuit.

"We think they are doing this without proper assurance that Vietnam is actually going to take them back," Hoq said.

Hoq said there are between 7,000 and 8,000 Vietnamese immigrants in the U.S. with final deportation orders, most of whom likely arrived before 1995, who could be subject to arrest and detention.

Both Vietnam and Cambodia have strict policies that limit their acceptance of deportees, and are considered "recalcitrant" countries by U.S. officials.

The lawsuit filed last week alleges that the Trump administration has been trying to send back immigrants from "recalcitrant" countries that include Iraq, Cambodia, and Somalia, without evidence the immigrants would in fact be repatriated.

It alleges that "ICE ... aggressively stepped up enforcement against the Vietnamese community in 2017. It ended its practice of releasing pre-1995 Vietnamese immigrants from detention promptly following their orders of removal."

An ICE spokesman said the agency does not comment on pending litigation, but said in an emailed statement that "international law obligates each country to accept the return of its nationals ordered removed from the United States. The United States itself routinely cooperates with foreign governments in documenting and accepting its citizens when asked, as do the majority of countries in the world."

A repatriation document posted on the U.S. State Department website reads: "Vietnamese citizens are not subject to return to Vietnam under this Agreement if they arrived in the United States before July 12, 1995, the date on which diplomatic relations were re-established between the U.S. Government and the Vietnamese Government."

Meanwhile, Hoq said, several Cambodian immigrants represented in the earlier lawsuit have been able to reopen their deportation cases, taking advantage of a judge's order in December that temporarily blocked their deportation. But most remain detained, she said, and those who could not reopen their cases may still be deported.

This story has been updated.

## Immigration Activists Say ICE Is Targeting Them For Deportation

By Linda Yang

Vice, February 28, 2018

In June of 2017, the activist Maru Mora-Villalpando gave an interview to a monthly newspaper based in Whatcom County, Washington, in which she discussed her undocumented status. According to a newly released internal document from ICE, this is how she came to attention of the agency, which targeted her for deportation in December. Alarming, the document also seems to indicate that she was targeted for her political activities.

"Upon review of the article and available information regarding her situation, it should also be noted that she has extensive involvement with anti-ICE protests and Latino advocacy programs," it reads. "Villalpando has become a public figure primarily in Whatcom County, where she currently resides."

Mora-Villalpando, a 47-year-old from Mexico City with no criminal record, has resided in the US since 1996. In her 20-plus years in the country, she has been heavily involved in political activism; last year, after she led a hunger strike to protest conditions at the Northwest Detention Center in Tacoma, Washington, the state's attorney general sued the private prison group that runs the complex for violating the state's minimum wage law.

"I'm being put in deportation proceedings because of my political stance, because of my media presence, because I've utilized my freedom of speech," Mora-Villalpando said during a conference call with reporters on Monday. "This is a pattern of behavior which ICE is developing now under this administration."

Immigration advocates claim that Mora-Villalpando now joins a growing number of activists from across the US who are facing retaliation from ICE for their political beliefs. In January of this year, ICE officials in New York arrested immigration activist Ravi Ragbir, who serves as the executive director of the immigration activist group New Sanctuary Coalition, during a routine check-in with the agency. Afterwards, Ragbir sued the federal government for violating his First Amendment rights, claiming that ICE officials chose to target him for his political activism. (He was granted a temporary stay from removal on February 9, when a Manhattan Federal Court judge ruled that ICE had violated his rights to due process, noting that his detention by the agency was "unnecessarily cruel.")

"I'm being put in deportation proceedings because of my political stance, because of my media presence, because I've utilized my freedom of speech."

Ragbir's former New Sanctuary Coalition colleague, Jean Montrevil, was deported to Haiti in January of this year after spending more than 30 years in the US, despite a

pending legal appeal of his deportation status. In an interview with Democracy Now, which was conducted after his deportation, Montrevil claimed that he was targeted for his activist work with New Sanctuary Coalition. "I did everything right," he said. "Everything they asked me to do, I have done it. So why target me now? It has to be for the New Sanctuary movement."

Similarly, Mora-Villalpando first went public with her undocumented status several years ago, when she joined other immigration activists to block a road leading to the Northwest Detention Center in 2014. She reportedly expected to be arrested—which would result in her deportation—at the time, but she was not, and she didn't receive a notice to appear in immigration court until the publication of her interview with Whatcom Watch.

Earlier this month, human rights experts from the United Nations called on the US to protect Mora-Villalpando and other outspoken activists from deportation. "Giving people notice of deportation proceedings appears to be a part of an increasing pattern of intimidation and retaliation against people defending migrants' rights in the US," the experts said in a statement. "People working legitimately to protect migrants' rights must not be restricted or silenced. Their rights must be upheld so they can continue to exercise their vital role."

ICE has denied any political motives for its actions, calling the UN's allegations "irresponsible, speculative, and inaccurate" in an emailed statement to the Associated Press. "US Immigration and Customs Enforcement does not target unlawfully present aliens for arrest based on advocacy positions they hold or in retaliation for critical comments they make," an agency spokesperson said.

Currently, Mora-Villalpando remains out of federal custody and is continuing with her activist work for the detainees of the Northwest Detention Center.

## **Boston Police Rebuffing ICE Detainer Requests**

By Travis Andersen

Boston Globe, February 28, 2018

US Immigration and Customs Enforcement officials asked Boston police to hold 68 immigrants for possible deportation last year, but the city department "did not directly transfer any of the suspects to ICE custody," the city's police commissioner said in a recent memo.

William B. Evans provided the information to City Clerk Maureen Feeney in a memo dated Feb. 12 to comply with the Trust Act, a city ordinance passed in 2014 that limits city police cooperation with ICE.

The ordinance was meant to keep police out of federal immigration enforcement, so that immigrants would not see officers as a threat. It requires Evans to submit a report to city

officials with statistics on the number of ICE detainees — requests to hold people who are suspected of being in the country illegally — made to the department.

In the Feb. 12 memo, Evans said that all 68 of the people — who were arrested on charges unrelated to their immigration status — were given access to a bail commissioner after their arrests, and that 18 posted bail prior to arraignment. The remaining 50 were transferred to court directly from police custody, Evans wrote, adding that Boston police have no authority to hold suspects once they're taken to their arraignments.

"I was very glad to see that BPD denied all 68 ICE detainer requests this year," said City Councilor Josh Zakim, who authored the measure in 2014. "That is exactly how the Trust Act is supposed to work. And I'm proud that the city of Boston has been a leader on this. Now it's time for Massachusetts to enact the Safe Communities Act so that these protections will extend statewide."

But a spokesman for ICE warned that the Trust Act endangers Boston residents.

"As in other communities that follow the same misguided approach, not honoring ICE detainees presents an unnecessary hurdle for law enforcement and poses a significant threat to public safety in the city," said Tom Brophy, ICE's acting director of field operations in the Boston office.

Last year the Globe reported that Boston police had turned over nine men to ICE in 2015 who had serious criminal histories. Those transfers were allowed by a loophole in the city ordinance.

The Trust Act specifically forbids police from detaining immigrants for ICE after a judge has ordered them released. But police said the act does not prevent them from turning over immigrants to ICE before they have made bail.

The nine men transferred to ICE in 2015 were handed over to the agency before a judge ordered them released. They included an Algerian man with a felony conviction for swinging a hammer at a South Boston bar owner; a Dominican man who returned to the United States illegally after being deported four times and is now in federal prison; and a citizen of Vietnam with assault convictions who has more recently been the scourge of Macy's in Downtown Crossing, pilfering hundreds of dollars in watches, clothing, and hats from the store.

In 2016, ICE made 15 detainer requests to Boston police, who transferred none of them to the federal agency, records show. Three of the suspects posted bail before arraignment, and the remaining 12 were taken from police custody to their arraignments.

A Boston police spokesman said Wednesday that the department couldn't release information about the arrest records of the 68 people ICE wanted to pick up last year, citing privacy laws.

Brophy defended the detainer requests.

"The release of criminal aliens back on Boston streets continues to pose a serious and dangerous risk to our communities," Brophy said. "ICE remains committed to tracking, arresting, and removing criminal aliens in the interest of public safety and national security, despite the city's decision to not honor detainers and jeopardize the safety of the citizens of Boston." Meghan E. Irons of the Globe staff contributed to this report. Travis Andersen can be reached at [tandersen@globe.com](mailto:tandersen@globe.com). Follow him on Twitter @TAGlobe.

## Protesters In New Haven Target Immigration Enforcement At Courthouses

By Mary E. O'Leary

New Haven (CT) Register, March 1, 2018

NEW HAVEN — More than 100 protesters held up signs and screamed the name of a prosecutor at Superior Court Wednesday who they charged is tipping off federal Immigration and Customs Enforcement officials to come pick up undocumented immigrants who are there for court business.

"Shame on Melissa Holmes," they shouted off and on for an hour on the steps of courthouse at the corner of Elm and Church street as different speakers addressed the crowd of activists and lawyers.

Chief Justice Chase T. Rogers last year asked the Trump administration to view courthouses as "sensitive locations" and not allow ICE to take custody of individuals in the public areas of these facilities.

Rogers joined chief justices from California, Washington and New Jersey at that time.

"As you know, the judiciary relies on the public's trust and confidence to fulfill its constitutional and statutory obligations. We also rely on the public to comply with court orders and to show up in court when summoned to appear," Rogers wrote then to U.S. Attorney General Jeff Sessions.

Ana Maria Rivera-Forastieri of the Connecticut Bail Fund told the crowd that ICE agents are "hanging out in the lobby, they are racially profiling people, they are screaming out names, all to see and to hope that someone will fall into one of their deceptive practices."

Supervisory Assistant State Attorney David Strollo said Holmes called ICE one time last August after they received a detainer request from ICE to hold a particular individual. He said they checked whether ICE was coming after the man's defense attorney inquired about it.

Strollo said these circumstances are rare and Holmes did it after consulting with him. He said they had no alternative but to call ICE.

Strollo said undocumented immigrants are routinely in the courthouse. He said ICE is not contacted in those circumstances as their legal status is irrelevant.

Rivera-Forastieri disagreed with Strollo's interpretation on responding to detainers and said the Trump administration has "emboldened a rogue agency to treat courthouses and our criminal justice system as a hunting ground."

ICE, in a formal policy issued in January, said it will make arrests of undocumented immigrants in courthouses who are gang members, convicted criminals, public safety threats or those previously deported or ordered to leave. It added that, generally speaking, family, friends and witnesses won't be picked up for deportation inside a courthouse.

ICE further said it is safer to make an arrest in a courthouse because everyone is screened for weapons.

Rivera-Forastieri said in New York, California and Colorado there are reports of ICE agents arresting undocumented immigrants in courthouses, something that is also happening in Connecticut at the courts in Bridgeport, Hartford, Stamford and New Haven.

"We can't stand by and let this happen," Rivera-Forastieri said.

She said a lawsuit is being considered that may challenge the arrests on constitutional grounds of denial of equal justice, as well as a violation of the 10th Amendment on state's rights.

She said immigration arrests at courthouses in New York have increased 1,100 percent from October 2016 to October 2017. "That is huge. This is where they are getting our people," she said.

U.S. Sen. Richard Blumenthal, D-Conn., has written a letter to Homeland Security Secretary Kirstjen Nielsen asking that ICE cease enforcement actions in and near courthouses and give him statistical data on these arrests.

"Conducting immigration enforcement actions near courthouses has the same detrimental impact on the safety and well-being of our communities as conducting enforcement near hospitals, schools, and places of worship," Blumenthal wrote.

He said "reports of ICE agents 'repeatedly' targeting individuals at courthouses in Connecticut are deeply troubling."

In addition to the number of these arrests, he asked whether U.S. marshals or court security have been used to assist in enforcement actions.

Rivera-Forastieri said last September one of their clients was in Hartford for a traffic violation when immigration agents "violently grabbed him from wife's arms" as he left the courtroom. They took him to Massachusetts, where he spent four months in an immigration detention center before he was awarded bond.

Three weeks ago, she said another client, after entering the Stamford courthouse, was taken by ICE and not allowed



to talk to his public defender, causing him to miss his court hearing. He is also in Massachusetts fighting deportation.

She said two weeks ago, a man arrested for a traffic violation got a promise to appear from a judge in the New Haven courthouse.

Rivera-Forastieri said he "didn't even see the sun," as judicial marshals in the courthouse allowed immigration to come in, grab him and leave. She said he is now in Mexico after ICE moved him from Massachusetts, to New Hampshire to Louisiana and then Mexico, which negated efforts by the Connecticut Bail Fund to help him.

She said he had left Mexico because he was being threatened by gang members and sought refuge here. "What did we do? We sent him right back there."

Rivera-Forastieri said a week ago they got a report from the Connecticut Criminal Defense Lawyers Association that a man was attending a hearing in Bridgeport and ICE pepper-sprayed him, dragged him out of the courthouse and also took him to a detention center in Massachusetts.

"Is this right? This is shameful," she said. She charged that the court administrators know it is happening because they have heard it from activists and public defenders.

"Everyone should have a right to access the courts and attend their hearings without fear of being arrested by immigration. But they are not listening," she said.

Kica Matos of the Center for Community Change said for more than a decade, New Haven has declared itself a sanctuary city. She said the New Haven police do not cooperate with ICE and Mayor Toni Harp has stood up against the Trump administration and re-affirmed the sanctuary city status.

"Our community has welcomed and embraced immigrants. They are our friends. They are our neighbors. They are our family," Matos said.

She said ICE is "unshackled and they are out of control. They are roaming our streets and our neighborhoods and they are now they are roaming our courthouses and they are ripping families apart," Matos said.

Matos asked the crowd what do they do when ICE comes to a courthouse. "We stand up and fight back," she answered.

Diana Blank, who is with the union for New Haven Legal Assistance Association, said said the vast majority of her clients are victims of "severe violence — domestic violence, sexual violence, hate crimes."

Blank said "ICE's invasion of our courthouses has maliciously transformed places that used to be safe spaces to seek protection and relief, not only into enforcement traps, but also into tools exploited by our clients' abusers."

She said victims are now afraid to pursue restraining orders because they fear stepping into a courthouse. Blank said they have also dropped child support cases and fear their abusers will turn them over to ICE.

Attorney Yazmin Rodriguez asked how it is constitutional that people are effectively blocked from using the courts.

"As an immigration lawyer, I cannot remain silent. I cannot watch what is happening and not be enraged," she said.

## Efforts Underway To Block Deportation Of Somalis

Minneapolis Star Tribune, February 28, 2018

Twin Cities attorneys are scrambling to block the deportation of a group of Somalis said to be slated for a federal flight to Africa this week — the government's first such attempt since a botched deportation effort in December that led to a legal battle.

Attorneys for some of the detainees say at least a dozen Minnesota Somalis are part of a larger group under detention in Texas, where guards have said they will be placed on a chartered Immigration and Customs Enforcement (ICE) flight to South Sudan as early as Thursday.

The attorneys argue that the failed December flight, which returned to the United States after 20 hours on the ground in Senegal, calls into question the government's ability to safely deport people to Somalia, which they say remains too dangerous for American refugees.

A federal judge in Miami has temporarily blocked the deportations of 92 passengers on that flight, including about 28 from Minnesota.

"The last flight demonstrated that ICE isn't able to safely deport people to Somalia," said John Bruning, an attorney at Kim Hunter Law in St. Paul, which has two clients detained in Texas. "We are concerned the same issues will arise on this flight."

ICE does not release information about deportation flights in advance. But in court, the agency has said it has conducted numerous successful missions to Somalia and that detainees, including some with serious criminal records, were granted due process before being deported. Deportations to Somalia resumed under President Barack Obama and picked up significantly last year after President Donald Trump took office.

The Somalis either came as refugees but lost their legal status because of criminal convictions or they unsuccessfully applied for asylum.

ICE said logistical problems caused the return of the December flight.

But a lawsuit filed on behalf of the passengers alleges that they were physically abused by guards on the flight, and argues that publicity surrounding the incident increases the risk that they would be targeted for death or punishment by militants on arrival in Somalia, which remains racked by civil unrest.

The suit was filed by the University of Minnesota's Center for New Americans and three other organizations.

The Miami judge, Darrin Gayles, has signaled that he might allow that group of deportees to stay in the United States until immigration judges revisit their cases.

The litigation also seeks class-action status that could protect other Somalis facing deportation from the United States. But that bid won't pan out in time for the group currently detained in Texas, said Malee Ketelsen-Renner, a Bloomington attorney who has a client there and has also helped with the Florida suit.

Ketelsen-Renner said clients in Texas told her that officials there alerted detainees they would be flown to South Sudan with a group of Sudanese and Congolese deportees. She said she obtained names and identification numbers for 12 Somalis from Minnesota, among several dozen from across the country held at the facility.

Ketelsen-Renner said she was told by a Somali embassy staff member in Washington, D.C., that the embassy knows of a group of Somalis slated to arrive in Africa on March 2. But she has not been able to get confirmation from ICE.

Bruning said he questions whether South Sudan, itself torn by civil strife, is a safe place for the plane to land and if there is a foolproof plan to then fly the Somali natives to their home country.

His office filed motions in immigration court to reopen the cases of two clients held in Texas and stay their deportations while those requests are pending. One client, who arrived in the United States as a teen refugee, later lost his legal status but has since become a respected youth mentor, attorneys said. A stay was granted this week in his case.

Another client asked for asylum in the United States, saying that Al-Shabab had killed his brother in Somalia and threatened him. His stay and an emergency appeal were both denied.

Ketelsen-Renner said she has tried unsuccessfully to find an attorney in west Texas who could challenge the deportations in federal court there.

Meanwhile, a group of relatives of the west Texas detainees have rallied to seek legal help.

One of them, Marly Melsh, said her fiancé, Abdullahi Jama, came to the U.S. as a refugee when he was about 10. He was ordered deported in 2013 after a string of misdemeanor and felony convictions. Jama has stayed out of trouble since then, Melsh said, but "a stupid mistake" last year led to a misdemeanor trespassing charge. ICE detained him after he was released from the Hennepin County jail in January.

Melsh said she worries that with his flawed Somali and Western clothes, Jama would stand out in the country of his birth, where militants have targeted returnees from the West.

"They are sending people who are targets to either be recruited or attacked," she said. "They are young men by themselves who don't have anything."

He called her from detention on Wednesday, she said: "He told me he loves me in case we don't talk for a long while."

## **Wife Of 7th Special Forces Group Vet Faces Deportation Under Tighter Immigration Rules**

By Tara Copp

Military Times, February 28, 2018

A Virginia immigration court on Monday could decide to deport the wife of an Army 7th Special Forces Group veteran, despite provisions in the law that allow her to remain in the United States.

Retired Sgt. 1st Class Bob Crawford, 52, and Elia, 44, married in 2001 when he was still on active duty and deploying regularly with 7th Group to conduct counter-narcotics operations and training missions in Latin America.

Elia illegally crossed into the U.S. in 1999, after she fled the devastation of Hurricane Mitch, which killed 7,000 people in her native Honduras.

After they married, the Crawfords filled out paperwork to seek legal residency for Elia and learned she was under deportation orders.

"We've been fighting this for years," Bob Crawford said, listing the filings and attorneys the family has pursued to get Elia legal status.

The pair has two sons, ages 12 and 9, and Elia has been the foundation that has allowed Bob to keep deploying — as many as two or three times a year — first as an active duty soldier and now as a Defense Department contractor.

Crawford hasn't discussed his family's predicament publicly before. He decided to now because he is fearful that the administrative limbo she is caught up in will force the family to split.

Spouses of active-duty troops or veterans are eligible for "Parole in Place," or PIP, a relief that allows spouses, children and parents of active duty, National Guard and Reserve troops and veterans who entered the U.S. illegally to remain in the country and pursue a green card.

The law was put in place in 2007 to come to the aid of Yaderlin Hiraldo, the wife of Army Sgt. Alex Jimenez. Hiraldo entered the U.S. illegally, and Jimenez was killed in Iraq before they could complete her green card request.

The PIP provision has been "extraordinarily important for military families," said Leticia Corona, the Crawfords' attorney. "It's a tremendous amount of stress for military personnel in general who deploy to dangerous places to be worried about their loved ones who are undocumented back home."

In this Feb. 23 photo, President Donald Trump delivers remarks to the Conservative Political Action Conference in Oxon Hill, Md. Trump is expressing frustration with an immigration program that he says lets other countries nominate undesirable citizens for emigration to the U.S. (Evan Vucci/AP) In this Feb. 23 photo, President Donald Trump delivers remarks to the Conservative Political Action Conference in Oxon Hill, Md. Trump is expressing frustration with an immigration program that he says lets other countries nominate undesirable citizens for emigration to the U.S. (Evan Vucci/AP)

That policy has not helped the Crawfords, because they can't file for the relief while a deportation order remains, and the Department of Homeland Security won't clear Elia Crawford's order.

"The government won't terminate that removal so she can get the PIP," Bob Crawford said. "So she's caught between ICE and DHS."

In recent hearings, the Crawfords have requested the deportation order be removed so they could proceed with the paperwork to be granted PIP. Getting the orders cleared in earlier cases had been fairly procedural, Corona said. That's changed under President Donald Trump's administration, which has taken a harder line on immigration and deportation issues.

In late December, DHS declined the Crawfords' request.

"They provided no reason as to why they came to that decision," Corona said.

There was no one immediately available at DHS for comment.

Bob Crawford, who was honorably discharged in 2006 after 20 years of service, including in the 75th Ranger Regiment, a deployment during the Gulf War, and then serving in Latin America with 7th Group, said he has watched over the past year as both Defense Secretary Jim Mattis and new Army Secretary Mark Esper have talked about the importance of military families. He said it's a juxtaposition to what he and other military families facing deportation are going through.

"I know the military takes care of families — because I lived it for 20 years," Crawford said. "I just feel, right now, we're caught in this limbo."

Crawford continues to deploy in his contractor role to support the military. He is worried about Elia's safety if the government decides she must return to Honduras.

"Honduras is one of the most dangerous countries in the world, especially for a female if they know she's a military dependent," he said.

The Crawfords return to an immigration court in Arlington, Virginia, Monday to see if there are other options available to them to get the deportation orders cleared. The family is fearful.

"This is kind of my last hope," Bob Crawford said. "I don't know what's going to happen."

## ICE To Deport Cancer-Surviving Mother Of Three Amid California Crackdown

By Chantal Da Silva

Newsweek, February 28, 2018

A Sacramento mother of three who has survived two forms of cancer has been given days to leave the United States, where she has lived for nearly three decades.

Lawyers for Martha Lozano, 52, have said they do not understand why she would be a priority for U.S. Immigration and Customs Enforcement (ICE), which has warned Lozano that if she does not leave the country by Thursday, she will be deported back to Mexico, according to CBS Sacramento.

Lozano, who recently became a grandmother, said she has never had a criminal record—including even a parking ticket.

Widespread protests have been held rallying against the Trump Administration's crackdown on undocumented immigrants Joe Raedle/Getty

"I'm scared that I have to leave and that my children will have to stay here alone, without any of their parents to care for them," said Lozano, who has lived in Modesto for almost 30 years.

Her husband was already been forced to leave the country nearly a decade ago after he was pulled over and arrested by ICE agents on a day when his wife was on her way to a local hospital for surgery. All three of the couple's children are U.S. citizens.

One of Lozano's children, Jonathan, told CBS he does not understand why ICE has decided to go after his mother.

"We don't really see the reason why. It's just like your time is up and that's it. They don't really give any explanation of why or how come, they just don't want to extend her period of time here anymore," Jonathan said.

Lozano said she has been requesting a stay of deportation for the last nine years, but that this year, ICE denied her request, despite doctors writing a letter to ICE in January saying her health could be put at risk without consistent medical follow up.

However, ICE determined that Lozano, whose cancers have been in remission for several years, was healthy enough to return to Mexico, according to the FresnoBee.

Plans to deport Lozano come amid a crackdown in California by ICE that has reportedly seen more than 150 people detained.

ICE agents swept through northern California as part of "targeted immigration enforcement operations," the agency told Fox News on Tuesday.

The agency claimed roughly half of those arrested had convictions for assault and battery, crimes against children, weapons charges and DUI charges.

ICE did not immediately respond to a request for comment from Newsweek.

The arrests came following a warning from Oakland Mayor Libby Schaaf, who put out a press release warning residents that she had been informed by "multiple credible sources" that ICE would be conducting a raid in the Bay Area this week.

Schaaf said she felt a "moral obligation" to warn and "protect" residents, writing: "I know that Oakland is a city of law-abiding immigrants and families who deserve to live free from the constant threat of arrest and deportation."

President Donald Trump recently hit out at California, calling its sanctuary cities "a disgrace." The U.S. leader threatened to pull ICE agents out of the state and accused it of doing a "lousy management job."

The president said the state would become a "crime nest" without ICE's presence.

The threat came amid the Trump administration's efforts to put pressure on sanctuary jurisdictions, with the Justice Department recently threatening to withhold millions of dollars in federal grant money to communities that refuse to cooperate with federal law enforcement.

## **Army Veteran On A Hunger Strike Who Faces Deportation No Longer In Solitary Confinement**

By Nereida Moreno

Chicago Tribune, February 28, 2018

After he spent days in solitary confinement, immigration officials moved a U.S. Army veteran and green card holder to the general population at an ICE detention center in Kankakee to help "monitor and care" for his religious fast.

Miguel Perez Jr., 39, a Chicago resident who faces deportation, was transferred from an Immigration and Customs Enforcement detention center in Kenosha County, Wis., to Kankakee County Jail on Tuesday. Perez served two tours of duty in Afghanistan but was later convicted of drug charges.

In an interview with the Tribune on Wednesday, Perez said he is being housed with the general population at the jail and that he has worked out a liquid diet plan with the jail staff.

Kankakee has more housing accommodations to "monitor and care for his religious fast," according to an ICE spokeswoman, Nicole Alberico. She said that despite "erroneous rumors," and in contrast to the assertion of advocates for Perez, he has not been placed on suicide watch.

Family members and advocates criticized immigration officials for placing him in solitary confinement on Friday and

denying him access to his personal doctor as his hunger strike enters its fourth week. Dr. David Ansell of Rush University Medical Center, who has treated Perez since September, called the move a "criminal form of torture," given his past injuries.

Perez is facing deportation to his native Mexico, where he hasn't lived since age 8. His supporters, including U.S. Sen. Tammy Duckworth, D-Ill., are working to keep him in the country. Perez said his family is traveling to Washington on Thursday to meet with U.S. Sen. Chuck Grassley, R-Iowa, to discuss his case.

## **Immigrants Face Maggots And Worse In ICE Detention In N.J., Report Says**

By Kelly Heyboer

NJ News, February 28, 2018

New Jersey's immigrant detention facilities are giving detainees food with maggots, dirty drinking water, too few pairs of underwear and shoddy medical and mental health care, according to a scathing new report by a human rights group.

Members of Human Rights First, a nonprofit and nonpartisan group that advocates for immigrants, toured three immigrant detention centers in New Jersey and interviewed more than 100 detained immigrants for their study, according to the report.

Asylum seekers and other immigrants are being held under "harsh and inhumane conditions" at the Elizabeth Contract Detention Facility, the Essex County Correctional Facility and the Hudson County Correctional Facility, the report concluded.

"In New Jersey, ICE has essentially stopped granting parole to asylum seekers, with a few exceptions, leading to unnecessary, lengthy, and prolonged detention," said Eleni Bakst, the lead researcher for Human Rights First's report. "This, coupled with inadequate and delayed medical and mental health care and often inhumane conditions, exacerbates the suffering of traumatized individuals, many of whom faced violence or persecution in their home countries."

ICE arrests surge in N.J. under Trump. Here's why.

The U.S. Immigration and Customs Enforcement agency, or ICE, uses detention facilities to house both refugees seeking asylum in the U.S. and those suspected of violating immigration law. Some of those held in the facilities are eventually granted asylum to live in the U.S., but are held under prison-like conditions until their cases are heard, the report said.

ICE officials responded to the group's findings with a statement: "While the agency has not had an opportunity to review the report, ICE remains committed to ensuring that all individuals in our custody are held and treated in a safe, secure and humane manner and that they have access to

legal counsel, visitation, recreation and quality medical, mental health and dental care."

CoreCivic, the private prison contractor that runs the Elizabeth Detention Facility, also said it is committed to the humane treatment of people in its facility.

"CoreCivic is deeply committed to providing a safe, humane and appropriate environment for those entrusted to our care, while also delivering cost-effective solutions to the challenges our government partners face," said Jonathan Burns, a CoreCivic spokesman. "We work in close coordination with our partners at ICE to ensure the well-being of the detainees at our ICE-contracted detention facilities."

Among the findings in the "Ailing Justice: New Jersey" report:

ICE detainees are held under civil, not criminal, law. But, the legal experts who toured the New Jersey detention facilities said some of the centers were worse than criminal prisons. Some of the detainees were held for up to 18 months without a decision on their cases.

The "outdoor" recreation area at the Elizabeth and Essex detention facilities is a dark, enclosed indoor room with a barred-over skylight that lets in some fresh air.

The Elizabeth detention facility is a former warehouse with years of dust buildup and insufficient ventilation that causes allergies and asthma for those living there.

Maggots were found in food and in the shower area of the Elizabeth center, detainees said. There were also complaints in the Elizabeth facility about discolored and bleach-tasting water in the water fountains. Those held in Essex said they run out of water in their units and the tap water is undrinkable.

Women held in the Elizabeth center said they were given two or three pairs of underwear for the week and an insufficient number of sanitary pads. Detainees in the other facilities also said they were given insufficient or damaged clothing.

Several people interviewed said they were placed in solitary confinement unjustly as punishment for filing grievances, requesting medical assistance, participating in hunger strikes or refusing to stand in court.

The medical staff at the detention centers failed to provide basic care or medication, according to numerous anecdotal reports from detainees. Others reported little or no mental health care. In some cases, detainees were offered "bibliotherapy," which involves giving people motivational books instead of psychotherapy.

Burns, the CoreCivic spokesman, noted the private contractor does not control how long the federal government holds detainees at the Elizabeth facility and the company does not oversee health care at the center. ICE officials also work full-time at the detention center and have day-to-day supervision of CoreCivic's administration of the Elizabeth facility, he said.

The report also raised concerns about suicide prevention in the immigrant detention facilities. The Hudson detention center, which placed suicidal detainees in sparse medical isolation units referred to as "suicide rooms," has had three suicides since January 2016, the report said.

"Most men and (women) interviewed report not seeking mental health services to avoid being placed in the 'suicide room.' The room is perceived as a completely empty room, cold, dirty and with no basic comforts," Cristina Muniz de la Pena, a psychologist who toured the Hudson facility with Human Rights First, said in the report.

The report did not include the full names or other details of the detainees making the allegations of inadequate medical care, bad food or other harsh conditions at the facilities.

Human Rights First released the New Jersey report on the same day the U.S. Supreme Court ruled in a 5-3 decision that immigrants in detention are not entitled to a bond hearing, even if they have been in custody for months or years.

Two lower courts said immigrant detainees must be given a custody hearing within six months. The case now goes back to the federal appeals court to decide whether the detention rules violate the U.S. Constitution.

The American Civil Liberties Union, which represented the detainees in the Supreme Court case, said the Trump administration is increasing the number of immigrants held without a hearing.

"The Trump administration is trying to expand immigration detention to record-breaking levels as part of its crackdown on immigrant communities. We have shown through this case that when immigrants get a fair hearing, judges often release them based on their individual circumstances," said Ahilan Arulanantham, the ACLU attorney who argued the Supreme Court case, said in a statement.

ICE arrests have surged in New Jersey since President Donald Trump's inauguration.

There were 3,189 arrests in fiscal year 2017 in ICE's Newark region, which encompasses all of New Jersey, according to data released by the agency. That is a 42 percent increase compared to the previous year.

It is unclear exactly how many people are currently being held in ICE facilities in New Jersey.

The Elizabeth Detention Facility has space for about 300 people, according to the Human Rights First report. The Essex and Hudson facilities, where ICE rents space in the county jails for detainees, can hold about 700 people in ICE custody as well as inmates awaiting hearings in criminal cases.

## Denied Duress Exception, Colombian Loses Bid For Asylum

By Nick Rummell

Courthouse News, February 28, 2018

MANHATTAN (CN) – A businesswoman whose properties were burned down after she cut off aid to a terrorist organization at the heart of Columbia's decades-long internal conflict lost her appeal Wednesday for U.S. asylum.

Ruling against Marleny Hernandez in a 9-page opinion this morning, the Manhattan-based Second Circuit called it undisputed that Hernandez provided what the Board of Immigration Appeals here considers "material support" to FARC.

A guerrilla group whose name translates in English to the Revolutionary Armed Forces of Columbia, FARC made a series of threats against Hernandez in the mid-1990s that prompted her to begin providing about \$100 worth of food to its members every three months for a period of two years.

The threats resumed in 1999 when Hernandez stopped sending these care packages and instead began letting Colombian police officers take shelter in her hotel.

Some time after FARC burned down this hotel and a store that she also owned in March 2000, Hernandez was taken to see a FARC commander who held a gun to her head, threatened her family, and ordered her to stop helping the police and politicians in her town.

Hernandez fled to the United States in 2001 but an immigration judge determined that she could not fight deportation because of the prior material support she provided FARC.

On Wednesday, a three-judge panel said that the government is entitled to deference in its finding that the material-support bar contains no exception for aid given under duress.

"Aliens for whom the waiver system may later become necessary still have a full and fair opportunity to have their claims for asylum or withholding of removal first heard and adjudicated by an immigration judge and the BIA, and it is through that adequate process that aliens may be deemed ineligible for relief if they are found to have provided material support to terrorists," U.S. Circuit Judge Dennis Jacobs wrote for the court. "The system that Hernandez challenges 'afford[s] [these aliens] additional process,' by allowing them to make a showing of involuntariness, which the executive may, in its 'sole [and] unreviewable discretion,' deem deserving of a waiver. However, aliens have no constitutionally-protected 'liberty or property interest' in such a discretionary grant of relief for which they are otherwise statutorily ineligible."

Gregory Silbert, an attorney for Hernandez with the firm Weil Gotschal & Manges, said a concurring opinion by U.S.

Circuit Judge Christopher Droney brought a silver lining to the disappointing decision.

Nearly matching the length of the lead opinion, Droney voiced his "serious concerns" that the discretionary waiver to the material-support bar does not appear to comply with America's obligations under international law.

Citing the 1967 United Nations Protocol Relating to the Status of Refugees, Droney said that "the treaty's language, as well as the statute and its legislative history, make clear that Congress did not intend to allow the DHS to remove otherwise-eligible asylees who do not present genuine security threats to the United States — a description that seems very likely to apply to Hernandez."

"Nothing in this case suggests that Hernandez represents a genuine threat to U.S. national security," Droney added later. "Here, all the administrative record reflects is a Colombian businesswoman who acted under extreme fear and duress to protect her life and her family's life by providing foodstuffs to a guerrilla organization ... [and who] also assisted the Colombian police, the very people FARC often targeted."

The Second Circuit's ruling against Hernandez was unanimous, but attorney Silbert said Droney's concurrence did show dissension.

I just wish he had raised those concerns in a dissenting opinion and that one of his colleagues on the panel had also found differently in the case," Silbert said.

Silbert said he is considering all options, including a petition for an en banc hearing or for certiorari to the U.S. Supreme Court.

A spokesman for the Justice Department did not return an email seeking comment.

## Immigration: Visa Quagmire Forces San Jose Cafe Owner To 'Self-deport'

By Julia Prodis Sulek

Charlotte (NC) Observer, February 28, 2018

Khaled Altarkeet was so frustrated that he decided to "self-deport."

After an immigration quagmire left his business visa in limbo, the owner of a popular cafe across from San Jose State University closed his business, let go his half dozen employees, donated the leftover food to Catholic Charities and made arrangements to board a plane on Wednesday with his wife and four children to fly back to his home country of Kuwait.

"I'm shutting the business and forgetting the United States," said Altarkeet, sitting for the last time in the empty cafe with the chairs stacked on the tables last week. "I will find another country that is more accepting and willing to take my investments, since this place doesn't want us."



While much of the attention on immigration issues has centered on the Trump administration's hard line on illegal immigrants and the proposed border wall with Mexico, the crackdown also is extending into business visas, the H-1B visas that attract engineers mostly from India, and now the L1 visa that allowed Altarkeet to move his family here.

President Trump's supporters say the tougher scrutiny to end visa abuses that cheat American workers is long overdue. But immigration advocates and attorneys say Altarkeet's experience defines how local workers and businesses suffer when the welcome mat is yanked from America's front door.

In 2016, he bought the Pomegranate Cafe in downtown San Jose and took over the Relish Gastro Lounge in Saratoga before converting it to "The Space" that was nearly ready to open as a breakfast and lunch cafe. His L1 nonimmigrant business visa was valid for one year, but his request for an extension in October was denied on the grounds that he didn't prove he was a manager or executive of the restaurants for which he's invested hundreds of thousands of dollars. He formally filed for "reconsideration" and obtained a tourist visa while he waited.

"Normally, for a visa extension, we do it in our sleep," said Altarkeet's lawyer, Steven Riznyk, who has practiced immigration law for 30 years and said he's never seen such an arbitrary and misguided denial. His client, he says, is not alone, and he fears a chilling effect on foreign investment here and damage to the reputation of the U.S.

"We don't have problems with extensions. All of a sudden, lawyers are calling me, asking, 'What the heck is going on?' Everyone is getting these crazy decisions and don't know what to do with it," said Riznyk, whose practice is in San Diego. "You question how is this possible? If Khaled's case isn't good enough, then whose is?"

The purpose of reviewing an L1 visa after one year is to ensure that the visa holder is fulfilling his promise of investing and running businesses, he said.

Sharon Rummery, the spokeswoman for the Northern California office of the U.S. Customs and Immigration Services, said Monday she was unable to comment on the issues facing the business visas. While the numbers of H-1B visas issued each year are capped, L1 visas are not, and some reports show about 65,000 to 75,000 have been issued across the country in recent years.

Critics say the L1 visa wasn't designed as an invitation for foreigners to take up residence in the United States to start mom-and-pop businesses.

But Altarkeet's supporters say that's not what he was doing. They call him a textbook example of the merit-based system Trump has touted: to attract immigrants willing to invest in the American economy and hire workers.

He owns a successful lumber business in Kuwait but wanted to return with his family to the country where he

studied civil engineering in the 1990s. He invested in two businesses over the past 18 months, paid taxes and Social Security. His wife is trained as a medical doctor but stayed at home raising the children and seeing them off each day to their Cupertino schools.

"I'd adopt them if I could get them all to stay," said Altarkeet's local accountant, Kristine Michael, who joined the couple at the shuttered Pomegranate Cafe last week. "They're absolutely people you want in the United States. They're not coming here to be dependent on taxpayer dollars. They're providing services. They're not going to come in and suck the life out of taxpayers. If there is merit-based immigration, these guys would be a shoo-in."

Jaime Angulo has a frequent patron of Cafe Pomegranate. He said he is heartbroken by Altarkeet's decision to close it and leave.

"This is a community institution, not only for the neighborhood but for San Jose State and City Hall," Angulo said of the cafe.

Immigration lawyers trace the heightened scrutiny on the L1 visas to President Trump's signing of a "Buy American, Hire American" executive order last year.

"The law is fine. It's the implementation that's becoming worse," said Hemant Habbu, a San Jose immigration lawyer.

While some of the immigration examiners make solid judgments, Habbu said, others "seem to have an agenda. Even when you have all the items in place and can prove it, they come up with the most flimsy reasons to deny it. The Trump administration makes it more conducive for these kinds of arbitrary decisions."

Jason Feldman, a San Diego immigration lawyer, says the past year has been "a nightmare" for L1 visas and believes racism is partially to blame at the U.S. Citizenship and Immigration Services.

"It's much harder to get one for someone from Africa or Asia than someone in Europe," Feldman said. "The Middle East falls into that group of people I imagine they're trying to keep out. There's a general mindset of, 'Is there any way to deny this?'"

Altarkeet ran out of patience – and he said a four-hour interrogation at the San Francisco International Airport earlier this month didn't help. Immigration officials wouldn't discuss his case, but Altarkeet said his tourist visa was reduced from six months to one. Without any encouragement that his L1 business visa extension would come through, the family decided to pack up and leave.

To his lawyer, the situation is a disgrace.

"Think about what a kick in the face this is," Riznyk said. "First we approve you, you spend all your money, then we don't approve you and we give you a month to sell off all your assets. Oh my God, I'm speechless."

Altarkeet's wife, Heba Alshbaili, feels betrayed.

"We moved here with the kids. We bought a car, registered our kids for school, rented a place, bought furniture, everything for a new life here," based on the business visa Alshbaili said. "I made friends and neighbors and all of that."

Altarkeet said he would prefer not to dwell on what he feels are the signs of a country that no longer welcomes him. But recently while returning from the Saratoga restaurant, which he had just remodeled and was interviewing chefs, he noticed the sticker on a stop sign at the entrance to Highway 85: "Build the Wall. Deport them all."

"I didn't believe it," Altarkeet said. "I said that's it. So fine, we are deporting ourselves."

## **Wisconsin Grandmother Appeals Deportation Decision**

WTMJ-TV Milwaukee, February 28, 2018

She's a grandmother with no criminal history. Now a Wisconsin woman is fighting deportation even though her attorney says she should not even be on ICE's radar and in the past would not have been arrested.

"She gets very emotional and sad talking about it," a translator told us after we asked Raquel Gutierrez why she fled Nicaragua 11 years ago. Four of her siblings were killed. Raquel had to leave her children behind to build a better future for them in America. "It created a big hole, an emptiness in her," the translator said.

Over the years Raquel brought her children, one by one, to the U.S. Last July, Raquel's daughter and 2-year-old grandson crossed at the Texas border and asked for asylum. The daughter gave authorities Raquel's address as her final destination. A few days later ICE agents showed up at Raquel's home.

"It's the first time she felt this fear," said the translator.

Agents rounded up everyone in the house.

"She felt like dying, and it was worse when they put the handcuffs on her."

Raquel sat behind bars for 28 days, before she saw an immigration judge and was able to post bond.

ICE has now started the process to deport her.

Her attorney, Marc Christopher, claimed ICE guidelines have changed dramatically in the past year. Guidelines he said his office is still trying to figure out.

"The guideline is very vague. Before it was very detailed."

Christopher told us ICE used to look at specific crimes, criminal record, time in the U.S. and ties to the community when it was pursuing deportation. Now he says just being here illegally has become an enforcement priority.

"They're in the same situation as people who've committed crimes. That's the difference between a year ago and right now."

We looked at the number of deportations by ICE in 2016 under President Obama compared to 2017 under President Trump. ICE breaks down the numbers by region. Wisconsin's area includes six other states.

In 2016 more than 2,300 people were deported. 695 of those were for non-criminal reasons. In 2017 the total number of people deported more than doubled and so did the non-criminal cases.

Waukesha County Sheriff Eric Severson says his department holds between 12 to 20 illegal immigrants a year for ICE. He told us that won't change even though his department applied for 287(g) status. A controversial area of immigration law. Waukesha County applied under the jail model meaning only some of its jail staff would have the authority to enforce federal immigration law.

"Nothing changes from the citizens' perspective on how we've been doing business to how we will do business," Severson said.

Raquel is appealing her deportation order and trying not to think about the worst case scenario, being separated from her children again.

We reached out to ICE about its guidelines. A spokesperson told us 92 percent of all illegal immigrants arrested last year were accused of committing a crime.

The agency also said "as ICE leadership has made clear, ICE will no longer exempt classes or categories of removable aliens from potential enforcement. All of those in violation of the immigration laws may be subject to immigration arrest."

A deportation case can take years. Raquel's attorney expects a decision in her case in 2022 or 2023. We will continue to follow her through the process.

## **Daycare Worker Broke Baby's Legs, Said She'd 'Rather Be Deported Than Go To Jail,' Utah Police Say**

By Jared Gilmour

Sacramento (CA) Bee, February 28, 2018

A daycare worker in Salt Lake City, Utah, broke both the legs of a 1-year-old boy in her care — and admitted as much to police, according to court records.

When 66-year-old Elvira Ortega spoke to police after the incident, the unlicensed daycare provider said she had rammed the baby into the bathroom floor feet-first on Feb. 22, fracturing both of the child's legs below his knees. Ortega also told Salt Lake City police that she'd "rather be deported than go to jail," Fox 13 reports.

Ortega was arrested by Salt Lake City police on suspicion of felony child abuse, and was taken into custody Monday, KUTV reports. Doctors diagnosed the child victim with broken legs at Primary Children's Hospital on Feb. 23 — the day after Ortega allegedly broke the child's legs.

Ortega had also been taking care of several other children at her in-home daycare, which she was running with her daughter, KUTV reports.

Salt Lake police detective Greg Wilking told the Deseret News that the number of children being cared for at the unlicensed operation changed from day to day. Wilking also told the newspaper that he was not sure if Ortega's daughter was present during the alleged child abuse or not.

Police wouldn't comment on Ortega's immigration status, according to Fox 13, but did say that Ortega could be a flight risk.

Police said the incident is a reminder that parents should be cautious about where they send their children for daycare, KUTV reports, and that guardians should double check that any care provider has a license.

## **Teen Held In Custody In MS-13 Gang Sweep Released After Suit**

ABC News, February 28, 2018

A 17-year-old from El Salvador held in custody for seven months after he was accused of MS-13 gang activity during a secretive federal sweep has been released after a lawsuit was filed on his behalf.

The teen, identified as LVM in the court documents, came to the U.S. with his mother after he was targeted by gangs in his native country, the lawsuit said. He had no criminal history and no disciplinary problems in El Salvador, but was suspended from Bellport High School on Long Island in April after he was alleged to have flashed "gang signs" in the hallway.

Federal agents later said he was in MS-13, in part because of the school suspension, and because they claimed he had tattoos and wore gang clothing, the lawsuit said. But he disputed the allegations — for example, he has no tattoos, according to the lawsuit — and an immigration judge found he was not dangerous.

Many teenagers on Long Island have been held on gang accusations, swept up in various federal investigations into MS-13 activity there after an explosion of violence. In a visit to Long Island last July, Republican President Donald Trump promised his administration would "dismantle, decimate and eradicate" MS-13.

But federal and state authorities have declined repeated requests for even basic information in the sweep, made public in most law enforcement operations, such as the names of those arrested and the crimes they are accused of committing.

LVM was arrested by immigration agents in July 2017 as part of "Operation Matador" a large-scale gang sweep on Long Island, the lawsuit said. He was sent to a facility in Virginia and later one in Dobbs Ferry, New York, run by the Office of Refugee Resettlement, which handles children. At a

custody hearing in December, a judge rejected the gang allegations, according to his attorneys.

But, according to the lawsuit filed by the New York Civil Liberties Union, he was detained "with no end in sight and no explanation for why he has yet to be returned to his mother's care."

LVM was released from custody on Feb. 22, less than a week after the lawsuit was filed. Civil liberties lawyers say the case, which seeks class-action status, will continue because as many as 40 others under the age of 18 are wrongly being held. They also suggested that LVM, like others in immigration-related lawsuits, was quickly released in an effort to undermine the legal effort.

"We're thrilled to see LVM reunited with his mom," said attorney Paige Austin. "Their family is so happy to be together again, after over half a year of waiting for a response to his mother's request for his release."

The lawsuit argued the government was violating a 2008 statute that required unaccompanied minors to be placed in the least restrictive setting appropriate, and should be released as soon as possible. But a policy from last summer requires the director of the resettlement agency to approve every juvenile's release. Lawyers argued the director, Scott Lloyd, was delaying the process without explanation.

Besides alleged gang activity, the Office of Refugee Resettlement detains children for other reasons too, such as disruptive behavior and mental health issues, the lawsuit said.

"This class includes a bunch of kids who even by ORR's own accusations are not gang affiliated," Austin said. "But they disregard all of it, and they talk about it as if it's only a gang phenomenon."

The refugee resettlement agency didn't comment on the lawsuit.

## **A Frightened Child In Chicago And An Immigration Policy Unbecoming Of America**

By Rex Huppke

Chicago Tribune, February 27, 2018

There's a little girl being held in a room in Chicago, and she shouldn't be here. She should be with her mother in California, not scared and surrounded by strangers in a strange city.

I don't know the little girl's name, but I know she's enduring a psychological hell no child should face. And I know who's responsible for bringing her here, for taking her from her mother and transporting her across an unfamiliar country for reasons that don't stand the test of decency.

It's the United States government. Our government. That's who is responsible for the frightened child tucked away somewhere in our city.

A lawsuit filed this week by the American Civil Liberties Union identifies the girl only as "S.S." She has been here for months. She spent her 7th birthday at a Chicago facility run by the Department of Homeland Security's Office of Refugee Resettlement, a facility intended for immigrant children who entered the country without a parent.

But S.S. has a parent. The lawsuit calls her "Ms. L." She's 39 and is being held at the Otay Mesa Detention Center in San Diego, which is run by U.S. Immigration and Customs Enforcement.

According to the ACLU lawsuit, Ms. L fled Congo, formerly Zaire, fearing "near certain death" and arrived at a U.S. port of entry near San Diego on Nov. 1. She and her daughter did not try to sneak in. They went directly to border agents, and the mother communicated that she was seeking asylum, which can be granted to people who have suffered persecution or fear persecution due to race, religion, nationality, political opinion or membership in a particular social group.

Per the lawsuit: "Based on her expression of a fear of returning to Congo, Ms. L. was given an initial screening interview before an asylum officer. The initial interview requires the asylum officer to determine whether the applicant has a significant possibility of ultimately receiving asylum. The officer determined that Ms. L. did have a significant possibility of ultimately receiving asylum and therefore allowed her to move on to the next stage of the long asylum process."

Ms. L followed the proper procedures for an asylum seeker.

Lee Gelemt, deputy director of the ACLU's Immigrants' Rights Project and one of the attorneys representing Ms. L and her daughter, said in an interview: "She has a genuine fear, she's not a criminal, she's not a terrorist, she presented herself at the border and said she needs help."

Four days after their arrival, Gelemt said, immigration officers in San Diego took the daughter into another room. Once the little girl was gone, Ms. L was handcuffed.

"Then she hears the daughter screaming frantically," Gelemt said. "The daughter is taken away, and the mother doesn't speak to the daughter for four days. In those four days, she has no idea what has happened to her daughter."

Since then, mother and child have been allowed to speak to each other only six times by phone, never with video. Six times. In nearly four months.

"Chicago might as well be the moon for this family from a little village in the Congo," Gelemt said. "They have no idea why they're separated, where each other are."

From the lawsuit: "S.S. is scared and misses her mother, and wants to be reunited with her as soon as possible. Each time S.S. is able to speak with her mother on the phone, she is crying."

She thinks her mother is in prison. She's a 7-year-old child whose native tongue is Lingala and she has spent four months in a facility in Chicago for no good reason.

Except, apparently, to send a message. That's what this is really about, after all.

Immigration hardliners in our government think one way to deter immigrants and asylum seekers from coming here is to separate children from their parents when they arrive.

In March 2017, when White House Chief of Staff John Kelly was the Secretary of Homeland Security, he said DHS was considering separating families caught crossing the border with Mexico into the United States.

He described it as a way to deter parents from bringing their children through what he called the "very, very dangerous network that brings them up from Mexico." The idea was met with considerable outrage, and it never became official policy.

But it's happening, and the 7-year-old Congolese girl in Chicago — who didn't come through a dangerous Mexican network and whose mother did nothing to disguise her intention to seek asylum — is just one example. Gelemt said there are reports of hundreds more.

The ACLU's lawsuit says the government's action is unconstitutional: "The Due Process Clause of the Fifth Amendment does not permit the government to forcibly take a 7-year-old child from her mother, without justification or even a hearing."

Simply put, this child has become a pawn in a sickeningly mean-spirited governmental experiment, one that stands in stark contrast to what America represents.

Or at least what America used to represent. I honestly don't know anymore.

I don't know what kind of country handcuffs a mother who fears for her life and hauls her young daughter more than 2,000 miles away.

I don't know what kind of country ignores statements like this from the American Academy of Pediatrics: "Federal authorities must exercise caution to ensure that the emotional and physical stress children experience as they seek refuge in the United States is not exacerbated by the additional trauma of being separated" from their families. "Proposals to separate children from their families as a tool of law enforcement to deter immigration are harsh and counterproductive."

I contacted Homeland Security and asked them for comment on this situation.

Press Secretary Tyler Houlton responded via email: "As a matter of policy, we do not comment on pending litigation. Thanks."

I emailed back and asked a more general question: "Is it DHS policy to separate the children of asylum seekers from a parent when the parent is not being prosecuted for anything?"

No response.

I emailed again and asked an even more general question: "Can you or someone at DHS speak to me about the overall policy for handling asylum seekers who have children?"

Again, no response.

There's a little girl in Chicago who shouldn't be here. She should be in the arms of her mother.

## **CRIMINAL INVESTIGATIONS**

### **Kohl's Pharmacy Is Sentenced In Conspiracy To Boost Racehorses' Performance**

By Nancy Gaarder

Omaha (NE) World-Herald, February 28, 2018

Kohl's Pharmacy has been sentenced to five years of corporate probation and ordered to pay a \$200,000 fine for improperly distributing a powerful opioid that boosts the performance of racehorses.

U.S. District Judge Donald E. Walter issued the sentence in federal court in Louisiana.

Kohl's was found guilty of conspiracy and introducing a misbranded drug into interstate commerce with intent to defraud and mislead, according to U.S. Attorney Alexander C. Van Hook.

Attorney Jerry Hug, representing Kohl's Pharmacy & Homecare, said the pharmacy is considering whether to appeal the conviction.

The corporate probation means Kohl's will be under the oversight of an officer to ensure it pays its fine.

Also sentenced in the case was a Lake Charles, Louisiana, veterinarian, Kyle James Hebert, 43.

Hebert was sentenced to 15 months in prison for conspiracy, receipt of adulterated or misbranded drug with the intent to defraud and mislead; and misbranding a drug while held for sale with the intent to defraud and mislead. Hebert was also ordered to pay a \$10,000 fine.

Federal prosecutors say that from November 11, 2010, to December 2012, Kohl's, Hebert and others conspired to distribute a synthetic form of the drug Dermorphin. Forty times more powerful than morphine, the drug was administered to racehorses to improve their performance.

Kohl's, operating as Essential Pharmacy Compounding, obtained a synthetic form of the drug from a California chemical company, repackaged it and labeled it as D-Peptide. After repackaging, Kohl's sold the opioid to Hebert and other veterinarians.

Hebert then put the drug into syringes and gave the loaded syringes to the racetrack trainers tasked with the horses' care.

Kohl's has previously denied wrongdoing and said it didn't know what Hebert was doing with the drugs that it provided to him.

According to the U.S. Attorney's Office, evidence shows that the drug masks horses' pain and pre-existing injuries. Depending on dosage, it can also act as a stimulant. The Food and Drug Administration has not approved the drug for use in humans or animals.

The U.S. Food and Drug Administration, Homeland Security Investigations and Louisiana State Police conducted the investigation. Assistant U.S. Attorneys Joseph T. Mickel and David C. Joseph prosecuted the case.

### **Bitcoin Crime Nets Prison Time For Pa. Heroin Trafficker**

By Sam Wood

Philly (PA), February 28, 2018

A Pennsylvania man who illegally sold \$1.5 million in bitcoin to undercover federal agents and others was sentenced Wednesday to a year and a day in prison and will be required to surrender \$40,000 he made in commissions.

In one of the first cases of its kind, Eldon Stone Ross, 24, had been charged with conducting an unlicensed money transmitting business between January 2015 and November 2016 and failing to report the cash-to-bitcoin and bitcoin-to-cash transactions.

"We don't see many of these cases," said Bert Glenn, the assistant U.S. Attorney who prosecuted the case in Philadelphia. "It's the first I've done here."

Bitcoin is a virtual currency that has legitimate uses. However, due to the relative anonymity it provides users, it's often a preferred method of payment for illegal goods and services bought on the darkest corners of the Internet.

Commercial institutions such as Coinbase, which operate legal cryptocurrency exchanges, are required by federal law to report any suspicious transactions involving more than \$10,000 in cash to the Department of the Treasury as a safeguard against money laundering, extortion, and other illicit activities.

"If people can go to someone like Ross who is dealing outside the institutional market, it adds to their anonymity," Glenn said.

Ross admitted in October to selling \$50,000 worth of Bitcoin to undercover agents working with Homeland Security Investigations. In each case, he "failed to obtain identifying information from the agents," according to court records.

Ross, of Kennett Square, previously had been convicted in 2014 on felony charges of trafficking heroin and sentenced to up to 23 months in Chester County. He was apparently in jail during part of the period in which he admitted to operating the money transmitting business.

According to court records, Ross petitioned to be released on house arrest in February 2015.

In addition to the year-long federal prison term, Ross will be required to serve three years of supervised release.

## 5 Venezuelan Nationals Charged With Draining ATMs In 'Jackpotting' Scheme

By Pat Reavy

Deseret (UT) News, February 28, 2018

SALT LAKE CITY — Five Venezuelan nationals now face federal charges for allegedly using an ATM in Utah like a slot machine — a scheme known as "jackpotting."

A federal complaint was filed Monday charging Joao Silva Robertson, 28, Josshua Perez Rivas, 38, Starlin Garcia Caraballo, 39, Pedro Rivero Velazquez, 38, and Luis Mendez Mata, 42, with computer fraud and bank robbery.

The men installed hardware in a Sandy ATM that allowed them to withdraw cash without having any account information or passwords, according to U.S. Attorney for Utah John Huber's office.

Investigators from the FBI, Secret Service and other federal and local agencies received information that four of the men were flying into Salt Lake City on Feb. 23 and meeting the fifth man, according to charging documents. Surveillance was set up and agents watched as the men got into separate rental vehicles.

For the next two days, investigators kept surveillance on the men.

"During this period, we observed the defendants engage in multiple maneuvers that appeared calculated to counter surveillance, such as exiting a highway, conducting a U-turn, and resuming the original route," charging documents state.

On Feb. 25, investigators observed all the men drive separately to Liberty Park and then "appeared to hold a meeting in the middle of the park," the charges state.

After the meeting, the men got back in their cars and drove to various ATMs, including a Zions Bank and Mountain America Credit Union in the Cottonwood Heights area. They "then circled back to Liberty Park, where the occupants exited and appeared to have another discussion. After this exchange, the individuals appeared to exchange some equipment or materials from one car to another," according to the charges.

After making more "evasive" maneuvers, police say the men went back to the ATMs.

"Zions Bank subsequently called to report an attempted breach of their ATM at that location," the charges say.

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The men then went to an ATM at Deseret First Credit Union, 9325 Village Shop Drive. That's when FBI agents

approached the men "and found the ATM dispensing cash" in a scheme known as "jackpotting."

"In this (manner), the ATM can be directed to simply empty out all of its cash," according to the charges.

Investigators rounded up four of the men at the bank and nearby where some were acting as lookouts, the charges state.

Agents were still looking for Mata as of Wednesday.

## EMERGENCY RESPONSE

### Puerto Rico Deaths Related To Hurricane Maria Continued For Months After The Storm, Data Suggest

By Milton Carrero

Los Angeles Times, February 28, 2018

Two months after Hurricane Maria ripped through Puerto Rico, scores of people were still dying in its aftermath, new government data suggest.

The data show total deaths in the U.S. territory by month and do not break them down by cause. But month-to-month comparisons with previous years show the number of deaths after the hurricane — which struck the island on Sept. 20 — was far higher than average.

The total number of deaths above average in September, October and November was 1,230, according to Alexis Santos, a demographer at Pennsylvania State University who obtained the data from the Puerto Rico Institute of Statistics and conducted an analysis that he released to the Los Angeles Times this week.

Of those deaths, 491 occurred in September and 584 in October — figures very close to estimates Santos published late last year based on more limited data.

The new analysis shows the higher death rate continued into November, the most recent month for which he obtained figures, with 155 more than average.

"With the limited information available to the academic and policy community, we can say the humanitarian crisis resulting from Hurricane Maria continued affecting the people of Puerto Rico after October," Santos said.

The death toll from Hurricane Maria has been a controversial topic. When President Trump visited Puerto Rico two weeks after the storm, he used the official death toll of 16 as evidence that his administration had been highly effective in dealing with the tragedy. After he left, the government announced a new official toll of 34.

Since Dec. 9, it has stood at 64 — a figure that Santos, other researchers and various news organizations have disputed. The question remains unresolved in large part because the Puerto Rican government has denied researchers and journalists access to the database that includes causes and circumstances of each death.



Puerto Rico Gov. Ricardo Rossello announced last week that the government had hired the Milken Institute School of Public Health at the George Washington University to investigate the death count.

Puerto Rico's Center for Investigative Journalism has sued the government requesting access to death certificates and other information that could paint a more complete picture of the reasons for the increase in mortality rates.

"We have faced multiple difficulties gathering the information related to these deaths," said Carla Minet, the center's director.

A more detailed analysis would lead to a greater understanding of how people die in hurricanes — whether from the immediate impact of the storm or after-effects such as disease or shortages of food and water — and potentially how to prepare for future storms.

"To be able to establish public policy that corrects our deficiencies we must have a precise diagnosis," Minet said.

But for now, they can only make estimates.

For his analysis, Santos looked at death statistics going back to 2010 to calculate an average death toll for each month and the amount of variation that could be attributed to chance. He then compared those averages to September, October and November of 2017 to calculate the number of unexpected deaths.

In October, for example, there were 2,991 deaths, or 24% more than in an average October.

The November total was 6.4% higher than average. Santos said that figure offers "a first glimpse at whether or not the crisis has been mitigated," suggesting that it was not.

He said the higher death rate in November occurred despite a declining population on the island, which had 3.4 million people before the hurricane. More than 87,000 people are thought to have since moved to the U.S. mainland.

## **CYBER NEWS**

### **Apparent Attack By Russian Hackers Penetrated Germany's Foreign Ministry**

By Luisa Beck, Rick Noack And Souad Mekhennet  
*Washington Post*, February 28, 2018

BERLIN — German officials said Wednesday that the government's information technology networks had been infiltrated and that evidence pointed toward a Russian hacking group that's been implicated in high-profile cyberattacks worldwide.

The breach, acknowledged by the interior ministry in a statement, had been known since December, when security experts discovered malware in the secure computer networks of the foreign ministry, according to a senior German security official. German media outlets reported that the defense ministry also was affected.

The senior security official, who spoke on the condition of anonymity because he was not authorized to comment on the record, said the Federal Office for the Protection of the Constitution and the Federal Office for Information Security allowed the malicious program to keep running in recent months so they could monitor hacker activity. But no significant data was transmitted, according to the official. He said at some stage German officials decided to stop monitoring.

The official also said the country's security agencies suspected that the Russian-linked hacking network known as APT28, or Fancy Bear, was behind the attack. Germany's *Süddeutsche Zeitung* reported that the hackers may have had access to German governmental networks for up to a year.

Fancy Bear has previously been connected to a range of cyberattacks, including one in which phishing and malware was used to infiltrate the U.S. Democratic National Committee before the 2016 presidential election, as well as the networks of Emmanuel Macron's election campaign before last year's French presidential election, according to the Tokyo-based cybersecurity research group Trend Micro.

The extent of damage in Germany, if any, was not made public. The interior ministry said in a statement that the breach was "isolated and brought under control."

Still, the revelation that sensitive systems had been penetrated, with potential Russian fingerprints, represented a major breach just three years after suspected Russian hackers broke into the computer networks at the German parliament and made off with 16 gigabytes worth of data, enough for about a million emails. The information stolen in that attack has never been published.

If the Russian link is proved, it could mark a potential escalation in hostilities between Moscow and the West.

"If the details reported so far are accurate, this attack represents an unprecedented incident," said Sven Herpig, Director for International Cyber Politics at Germany's New Responsibility Foundation. "The prior hacking of the German parliament was also problematic, but it only lasted for a short period of time."

He indicated that whoever was behind the latest attack must have assumed that it would eventually become public.

"Following the parliamentary breach, the German government strongly urged Russia to refrain from attacks," Herpig said. "The likelihood that such incidents become public relatively quickly is high."

Some experts believe Fancy Bear was also behind the cyberattack on the parliament, known as the Bundestag, though other experts say there's not sufficient proof. German security officials publicly said they believed that attack was of Russian origin.

Mekhennet reported from Frankfurt, Noack from London and Beck from Berlin. Griff Witte contributed from Athens.

## **Report: Russian Group Hacked Germany's Government Network**

Associated Press, February 28, 2018

BERLIN (AP) – A Russian-backed hacker group known for many high-level cyber attacks was able to infiltrate the German government's secure computer networks, the dpa news agency reported Wednesday.

Dpa cited unidentified security sources saying the group APT28 hacked into Germany's foreign and defense ministries and managed to steal data.

The attack was noticed in December and may have lasted a year, dpa reported.

The Interior Ministry said in a statement that "within the federal administration the attack was isolated and brought under control." The ministry said it was investigating.

A spokesman wouldn't give further details, citing the ongoing analysis and security measures being taken.

"This case is being worked on with the highest priority and considerable resources," the ministry statement said.

APT28, which has been linked to Russian military intelligence, has previously been identified as the likely source of an attack on the German Parliament in 2015, as well as on NATO and governments in eastern Europe.

Also known by other names including "Fancy Bear," APT28 has also been blamed for hacks of the U.S. election campaign, anti-doping agencies and other targets.

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## **Germany Says Its Government Computers Secure After 'Isolated' Hack**

By Paul Carrel, Andrea Shalal

Reuters, February 28, 2018

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

## **The Russian Group That Hacked The DNC Also Hit Germany's Government**

By Greg Walters

Vice, February 28, 2018

Notorious Russia-linked hacking outfit Fancy Bear has breached a host of high-profile targets around the globe, including the U.S. Democratic National Committee and the International Olympic Committee, according to cyber security experts.

Now, the hacking group has pulled off a wide-ranging penetration of Germany's government that affected both foreign and defence ministries, in an attack that German officials say could have lasted up to a year.

German security sources told the country's largest news agency dpa on Wednesday that as early as 2016 the hacking group deployed malicious software to infiltrate multiple agencies and steal data, breaking into the foreign and defense ministries, the Chancellery and Federal Court of Auditors.

Germany's Interior Ministry publicly confirmed the cyberattack without details. "We can confirm that the Federal Office for Information Security (BSI) and intelligence services are investigating a cybersecurity incident concerning the federal government's information technology and networks," a ministry spokesman told Deutsche Welle.

The group reportedly hacked into a government computer system specifically designed to operate separately from other public networks to ensure extra security known as the "Informationsverbund Berlin-Bonn" (IVBB) network. The system is used by the German Chancellery, parliament, federal ministries and several security institutions.

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The group reportedly hacked into a government computer system specifically designed to operate separately from other public networks to ensure extra security known as the "Informationsverbund Berlin-Bonn" (IVBB) network. The system is used by the German Chancellery, parliament, federal ministries and several security institutions.

The cyber intrusion has been "isolated and brought under control," the Interior Ministry told dpa.

"The incident is being treated as a high priority and with substantial resources," said Johannes Dimroth, a ministry spokesman.

Fancy Bear, sometimes called APT28 or Pawn Storm, is believed to be running a global hacking campaign that's "as far-reaching as it is ambitious," according to a report by computer security firm Trend Micro.

Fancy Bear "is an active cyber espionage actor group that has been very aggressive and ambitious in recent years," Trend Micro wrote. "The group's activities show that foreign and domestic espionage and influence on geopolitics are the group's main motives, and not financial gain. Its main targets are armed forces, the defense industry, news media, politicians, and dissidents."

The group is also thought to have been behind a 2015 cyberattack on the German parliament, as well as on political organizations in France, Montenegro, Turkey, and Ukraine.

On Wednesday, cyber security firm Palo Alto Networks released a report saying Fancy Bear now appears to be using malicious emails to target North American and European foreign affairs officials, including a European embassy in Moscow.

### **Fancy Bear: Germany Investigates Cyber-attack 'By Russians'**

BBC News (UK), February 28, 2018

Germany is investigating a security breach to its defence and interior ministries' private networks, a government spokesman has confirmed.

A notorious Russian hacking group known as Fancy Bear, or APT28, is being widely blamed in German media.

They are thought to be behind a number of cyber-attacks on the West, including breaches in the 2016 US election.

The hack was first realised in December and may have lasted up to a year, the DPA news agency reported.

The group is reported to have targeted the federal government's internal communications network with malware.

"We can confirm that the Federal Office for Information Security (BSI) and intelligence services are investigating a cyber-security incident concerning the federal government's information technology and networks," a German interior ministry spokesman said on Wednesday.

He said the attack was "isolated" and had been "brought under control" but declined to comment on reports of Russian involvement.

Fancy Bear was blamed for a similar attack on the lower house of the German parliament in 2015 and is also thought to have targeted the Christian Democratic Union party of Chancellor Angela Merkel.

Officials in the country issued repeated warnings about the potential of "outside manipulation" in last year's German election.

The hacking group has been linked to the Russian state by multiple security experts investigating its international hacks.

They are also known by other names including CozyDuke, Sofacy, Pawn Storm, Sednit and Tsar Team.

The group played a key role in 2016's attack on the Democratic National Committee (DNC) in the US, according to security experts.

### **German Government Was Attacked By Russian Hackers**

Daily Beast, February 28, 2018

Russian hackers from the group "APT28," have "successfully attacked the foreign and defense ministry," according to information from "security circles" obtained by the German Press Agency. The cyber attack reportedly included capturing data from Germany's "Berlin-Bonn" information network, and the attack could have gone on for as long as an entire year. German security agencies recognized the attack in December, and enforcement officials still do not know deep in the system the hackers got. APT28 hackers reportedly hacked NATO and the Caucasus region in the past, and has been "linked to Russian military intelligence."

### **Russia-linked Hacking Group Targeting North Americans And European Diplomats: Report**

By Andrew Blake

Washington Times, February 28, 2018

The same suspected state-sponsored hacking group linked to meddling in the 2016 U.S. presidential race is actively targeting foreign affairs agencies and ministries in North America and Europe, security researchers warned Wednesday.

Known by names including Fancy Bear, APT28 and Sofacy, among others, the hackers started sending emails this month to North American and European diplomats containing malware capable of giving attackers complete control over their victims' computers, said researchers for Palo Alto Networks' Unit 42 threat intelligence team.

The hackers began sending phishing emails to targets in early February masqueraded as messages from Jane's, a British publishing company that specializes in the topics of aerospace, defense and security.

The malicious emails each contained the subject line "Upcoming Defense events February 2018," and the body of the messages referred recipients to an attached Microsoft Excel spreadsheet, the researchers wrote.

"Attached you can find Upcoming Defense, Military and Intelligence event calendar," the emails said. "Note: If you

have trouble viewing the document you can try to enable content to resolve the issue."

The notice advising recipients to enable content is the "key to the attack," wrote Christopher Budd, a senior threat communications manager for the California-based security firm. Individuals who open the Excel document will indeed be asked to click an "Enable Content" button, he wrote, but doing so will bypass Microsoft's security protections and install malware on the machines, according to Palo Alto Networks.

"It's really running a program that silently installs a program on the system," Mr. Budd explained. "This program gives the attackers complete control over the computer and can enable them to copy documents, usernames, passwords, account information and even take screenshots."

Researchers declined from stating the specific targets affected, aside from identifying them as "foreign affairs agencies and ministries in North America and Europe, including a European embassy in Moscow."

German media reported earlier Wednesday, meanwhile, that the same hacking group recently breached a government computer network there and successfully stole data from its Foreign and Defense Ministries.

"The attack was isolated and brought under control within the federal administration," said a spokesman for the German Interior Ministry afterwards. He declined to comment on the possible source or scope of the attack, Reuters reported.

Security researchers have previously linked the Fancy Bear hackers to attacks that have been widely attributed to Russia military intelligence, including the campaigns in 2016 against the Democratic National Committee and the party's nominee for president, Hillary Clinton.

More recently the group waged an attack that involved mimicking the U.S. Senate's Active Directory Federation Services (ADFS), the chamber's internal email system, according to a report released last month by Trend Micro, a Japanese security firm.

"The Sofacy group should no longer be an unfamiliar threat at this stage," Palo Alto Networks warned Wednesday. "They have been well documented and well researched with much of their attack methodologies exposed. They continue to be persistent in their attack campaigns and continue to use similar tooling as in the past. This leads us to believe that their attack attempts are likely still succeeding, even with the wealth of threat intelligence available in the public domain."

"Given the significant activity attributed to Sofacy, and the new evidence directly targeting the diplomatic community, Palo Alto Networks wants to ensure that foreign affairs agencies around the world understand how the attacks are carried out, and what agencies and personnel can do to protect themselves," the researchers warned.

Russia has repeatedly denied hacking U.S. targets.

## **Overnight Cybersecurity: DHS Hits Back At Claims Russia Breached Voter Sites | Trump Launches New Attack On Sessions Over Surveillance | Russia-linked Group Behind New Cyberattacks | Iranian Hackers Expand Operations**

By Morgan Chalfant And Olivia Beavers

The Hill, February 28, 2018

Welcome to OVERNIGHT CYBERSECURITY, your daily rundown of the biggest news in the world of hacking and data privacy. We're here to connect the dots as leaders in government, policy and industry try to counter the rise in cyber threats. What lies ahead for Congress, the administration and the latest company under siege? Whether you're a consumer, a techie or a D.C. lifer, we're here to give you ...

### **THE BIG STORIES:**

#### **-DHS DENIES NBC ELECTION HACKS REPORT:**

The Department of Homeland Security (DHS) is denying the accuracy of an NBC News report that alleged Russia breached voter sites or registration systems in seven U.S. states prior to the 2016 election. "NBC's reporting tonight on the 2016 elections is not accurate and is actively undermining efforts of the Department of Homeland Security to work in close partnership with state and local governments to protect the nation's election systems from foreign actors," DHS acting press secretary Tyler Q. Houlton said in a statement. His comments come after U.S. intelligence officials told NBC News that an analysis requested by President Obama in the last weeks of his administration showed that Russian operatives penetrated the websites or databases of Alaska, Arizona, California, Florida, Illinois, Texas and Wisconsin. The officials said that several states were warned about the breaches before the 2016 election, but none were told that Moscow was behind it. But DHS pushed back, saying in its statement: "We have no intelligence – new or old – that corroborates NBC's reporting that state systems in seven states were compromised by Russian government actors. We believe tonight's story to be factually inaccurate and misleading." DHS said that NBC's reporting appeared to be relying on "working documents based on preliminary information and ongoing investigations, not confirmed and validated intelligence on Russian activities." Homeland Security has repeatedly said that Russian hackers targeted election-related infrastructure in 21 states, and that most of the activity was not successful and involved preparations for hacking. Illinois said officials detected a cyberattack on its voter registration system in 2016 but that nothing had been altered. This is not the first NBC News report on possible Russian hacking that has drawn fire from DHS. Earlier this month, the agency pushed back against a report from the

news outlet that claimed Russian hackers had "successfully penetrated" several U.S. voter rolls before the election.

To read more of our coverage, [click here](#) and [here](#).

**--TRUMP UNLEASHES ON SESSIONS:** President Trump on Wednesday launched a new attack on Attorney General Jeff Sessions, calling it "disgraceful" that he has asked an inspector general and not Justice Department lawyers to investigate potential surveillance abuses. The president said the Justice Department's inspector general is ill-equipped to probe allegations that the Foreign Intelligence Surveillance Act (FISA) was improperly used to monitor members of his transition team. "Why is A.G. Jeff Sessions asking the Inspector General to investigate potentially massive FISA abuse," Trump tweeted. "Will take forever, has no prosecutorial power and already late with reports on Comey etc. Isn't the I.G. an Obama guy? Why not use Justice Department lawyers? DISGRACEFUL!" Trump's public shaming is the latest in a long line of attacks against Sessions, whom he has repeatedly criticized for recusing himself from the Justice Department's investigation into Russian election meddling, which is now being led by special counsel Robert Mueller. The dust-up comes one day after the attorney general announced his department's internal watchdog would look into Trump's claims that Obama administration officials misused their surveillance powers to track his associates following the 2016 presidential race. Sessions issued a statement following the criticism pledging to carry out his duties as the nation's top law enforcement officer with "integrity and honor." "We have initiated the appropriate process that will ensure complaints against this Department will be fully and fairly acted upon if necessary," Sessions said in a statement. "As long as I am the Attorney General, I will continue to discharge my duties with integrity and honor, and this Department will continue to do its work in a fair and impartial manner according to the law and Constitution," he added.

To read more of our coverage, [click here](#) and [here](#).

**--RUSSIA-LINKED GROUP BEHIND NEW ATTACKS:** Security experts say that a hacking group widely believed to be linked to the Russian government has been executing cyberattacks against diplomats in North America and Europe. Cyber firm Palo Alto Networks said Wednesday that Sofacy, commonly known as "Fancy Bear" and "APT28," is behind a spear phishing attack that has targeted foreign affairs agencies and ministries in North America and Europe. Palo Alto Networks has not linked the group to a particular nation-state. But other security firms like FireEye and CrowdStrike have said it is connected to Russia. The U.S. intelligence community has blamed the hacking group for cyberattacks against top Democratic officials ahead of the 2016 presidential election. Palo Alto Networks says its research clearly shows that Sofacy used the same tools and methods it has previously utilized in past attacks to carry out this latest

attack. The researchers said that the hackers used a spear phishing email purporting to come from Jane's 360, a British publishing company that specializes in military and aerospace topics. The email says it contains a schedule of events, which is actually a malicious document attachment. "They continue to be persistent in their attack campaigns and continue to use similar tooling as in the past," the blog post says of Sofacy. "This leads us to believe that their attack attempts are likely still succeeding, even with the wealth of threat intelligence available in the public domain." Meanwhile, Germany disclosed that its security services discovered that Sofacy infiltrated its Foreign and Defense ministries in December, according to media reports that emerged Wednesday. Germany reportedly said the cyberattack likely unfolded as a result of malware.

To read more of our coverage, [click here](#).

#### A LEGISLATIVE UPDATE:

The Senate Energy and Natural Resources Committee will hold a hearing Thursday morning on the cybersecurity of U.S. energy infrastructure.

The hearing will feature testimony from government officials as well as private sector representatives, and will aim to assess "private sector and government challenges and opportunities to promote the cybersecurity and resiliency of our nation's critical energy infrastructure," according to the committee.

The witness list includes Bruce Walker, an assistant secretary in the Energy Department's Office of Electricity Delivery and Energy Reliability, as well as Robert Lee, chief executive officer at Dragos, an industrial network cybersecurity firm.

#### A REPORT IN FOCUS:

**IRANIAN HACKING GROUP EXPANDS OPERATIONS:** An Iranian hacking group has expanded its international operations and tool kit to carry out attacks, according to new research, a sign of its growing ambitions and capabilities.

Over the past year, the Iran-based hacker group dubbed "Chafer" has moved from focusing its surveillance operations on domestic targets to those located in other countries in the Middle East, according to new research published by Symantec.

Symantec first identified the group in 2015, though they believe Chafer's activity dates back to at least July 2014.

"It shows that Chafer in the years of existence has expanded their own mandate," Vikram Thakur, Symantec's security response technical director, told The Hill. "We don't think that Chafer is going to be ceasing their operations or attacks anytime soon."

Chafer has orchestrated attacks against organizations located in Israel, Jordan, the United Arab Emirates, Saudi Arabia and Turkey. The group began using seven new tools and targeting nine new organizations in its operations in

2017, according to the research published late Tuesday. Symantec also said it observed evidence of the hackers attempting to attack an airline in Africa and an international travel reservations firm last year.

Chafer's targets span a number of sectors, including aircraft services, IT companies, telecoms providers and engineering consultancies.

While researchers have no definitive evidence linking the group to Iran's government, Thakur observed that the information they are targeting in spy operations – such as airline manifests – would be more valuable to the public sector than the private sector.

"The information they're seeking is more likely to be usable by the government," Thakur said. "Whether they are working on behalf of the government or they're doing it on their own accord with plans to sell the information to a third party, we have no idea."

Symantec has not yet tracked Chafer operations against organizations in the United States, but Thakur said that the group could look to target organizations in western countries in the future.

To read the rest of our piece, click here.

A LIGHTER CLICK:

Will A.I. soon be pouring your morning cup of coffee? It's possible.

(Technology Review)

WHAT'S IN THE SPOTLIGHT:

THE VA: The alleged hacking of a former top aide at the Department of Veterans Affairs (VA) was unrelated to the travel scandal she was embroiled in and was limited to "relatively unsophisticated 'spoofing,'" according to a government watchdog.

At issue is the VA inspector general's allegation that Vivieca Wright Simpson, who has since resigned as chief of staff, doctored an email in order to gain approval to use taxpayer dollars to pay for VA Secretary David Shulkin's wife to accompany him on a trip to Europe.

Shulkin has said Wright Simpson showed him evidence backing up her denial that she sent the email in question and has suggested the email was sent by hackers looking to undermine him.

In a letter released Wednesday by the top Democrat on the House Veterans' Affairs Committee, the VA's Office of Inspector General (OIG) says it secured Wright Simpson's VA-issued computers and mobile devices in consultation with the FBI and Department of Justice (DOJ), but that it does not believe a forensic analysis is warranted.

"In the nearly two weeks since the release of our report, the nature of the alleged compromise of Ms. Wright Simpson's VA email account has become clearer," Inspector General Michael Missal wrote in the letter. "The OIG now believes that the allegations of 'hacking' are limited to unrelated and relatively unsophisticated 'spoofing' of Ms.

Wright Simpson's identity through messages sent from an external, non-VA email address."

The evidence Wright Simpson showed Shulkin was an email sent Feb. 14 to a VA finance employee seeking to obtain payment on a purchase order, Missal said. The email was marked "external" and was sent from a comcast.net email address using "Vivieca Wright Simpson" as the display name.

"Given the 'external' markings and the comcast.net email domain, it is obvious from the face of the 'Vivieca Wright Simpson' email that it did not originate from the VA email system," Missal wrote.

The VA's information technology (IT) staff also told the inspector general that it has no evidence Wright Simpson's actual VA email account was compromised, Missal said.

IT staffers have, however, identified a phishing attack where a VA employee is impersonated in order to get another employee to reveal private information or to get a fraudulent payment.

"VA IT staff appear to be keeping VA employees informed and advised of actions they should take in response to such efforts," Missal wrote. "We will continue to work with the department to monitor the alleged phishing/spoofing and stand ready to investigate all credible allegations of email and computer hacking or other violations at VA if additional evidence is developed."

Shulkin told the inspector general he "did not mean to imply" to reporters that Wright Simpson's VA account was hacked.

To read the rest of our piece, click here.

IN CASE YOU MISSED IT:

Links from our blog, The Hill, and around the Web.

Armed Services chairman on Russian meddling: 'There has to be a price to be paid.' (The Hill)

Hope Hicks is resigning from the White House, one day after meeting with the House Intelligence Committee. (The Hill)

Manafort trial date set for Sept. 17. (The Hill)

State Dept. expects Kushner to continue work on Middle East peace initiatives despite loss of top-secret security clearance. (The Hill)

Special Counsel Robert Mueller has started asking about hacked Democratic emails. (NBC)

Data from Capital One was left exposed on an Amazon server. (Gizmodo)

A new Smartphone features a wallet for cryptocurrency. (NextGov)

## State Elections Agency: No Word That Wisconsin Systems 'Compromised' By Russians, Despite Report

By Mark Sommerhauser



La Crosse (WI) Tribune, February 28, 2018

State elections officials say they have no evidence state IT systems were compromised by Russian government hackers in the lead-up to the 2016 election, despite a new report to the contrary by NBC News.

The report names Wisconsin as one of seven states in which the U.S. intelligence community "developed substantial evidence that state websites or voter registration systems ... were compromised by Russian-backed covert operatives prior to the 2016 election."

Federal intelligence officials never told the states involved, NBC News reported. It attributes the report to three unnamed "senior intelligence officials."

NBC reported the U.S. intelligence community, in this case, defines "compromised" as actual entry into election websites, voter registration systems and voter look-up systems. All state and federal officials to whom the network spoke reportedly agreed no votes were changed and no voters were taken off the rolls as part of the intrusions.

The state's chief election official, Michael Haas, responded to the NBC report with a statement insisting the state's election systems are secure.

"In response to NBC's questions, we double-checked with (the Department of) Homeland Security and our other cybersecurity partners," Haas said. "They have assured us that they are not aware of any other attempts — successful or unsuccessful — to breach Wisconsin's systems" beyond two previously reported attempts that were unsuccessful.

The Elections Commission announced in September that it had learned from Homeland Security that two attempts to gain access to state systems in July 2016 were linked to Russian government cyberactors. At the time, Homeland Security said Wisconsin was one of 21 states that had been targeted by Russians.

The attempts in Wisconsin were focused on gaining access to a nonexistent server at the state Department of Workforce Development. But federal officials concluded it was part of a broader Russian effort to target the state's elections infrastructure.

No data was removed and no impact made on state IT systems as a result of those attempts, the state's IT agency, the Division of Enterprise Technology, said in September.

## **Russia's Sights Are Set On U.S. Elections. Can States Secure Their Voting Systems In Time?**

PBS NewsHour, February 28, 2018

Denise Merrill:

We, of course, as a state, already have a lot of equipment in place, cyber-hygiene, the kinds of firewalls, I guess you would call them, against this sort of thing.

But we are getting help now from the Department of Homeland Security. They do have resources that can help,

not enough of them, and not enough to go around. So I think we could use more of that. Some states are much further along than others as well.

And, of course, you know, there are some federal laws that came into play after the 2000 election, which was the last time this sort of thing came up with the hanging chads and so forth. And the Help America Vote Act did provide much of the funding that you're seeing in place for the current election systems.

## **Alaskan Election Officials Question Reports Of Russian Breach**

Government Technology, February 28, 2018

A report from NBC News said Tuesday that Alaska is one of seven states where federal intelligence suggests that either state websites or voter registration systems were "compromised" by Russian efforts before the 2016 election.

But Alaska's top elections official, Josie Bahnke, would not corroborate the report. She said efforts by Russian "cyber actors" never went beyond a scan of the state elections division's public website, according to information her office received from the U.S. Department of Homeland Security.

"There was no breach, essentially," she said in an interview. "They wiggled on the door and moved on."

She added: "I guess it's all interpretation of what the word 'compromise' means."

Federal officials said late Tuesday that NBC's report was "factually inaccurate and misleading."

"We have no intelligence — new or old — that corroborates NBC's reporting that state systems in seven states were compromised by Russian government actors," said Tyler Houston, a DHS spokesman. "Once again, reports using anonymous, outdated and incomplete information are being misconstrued as fact."

The NBC report, attributed to three unnamed "senior intelligence officials," had called into question what Bahnke said in September: that Russian "cyber actors" made a failed effort to access Alaska's voter registration database in 2016. She said at the time that the state's election systems were not "compromised."

NBC's report does not specify what kind of breach occurred in Alaska. Nor does it say whether the "compromised" system in the state connected directly to voting or was an unrelated website.

The report, citing intelligence documents, defined "compromised" as "actual 'entry' into election websites, voter registration systems and voter look-up systems." But it quoted state and federal officials as saying that no votes were changed nor were any voters removed from election rolls.

Bahnke said she attended a secure briefing with the FBI and DHS along with other state elections officials last week, which required her to get a temporary security

clearance. She said no information was shared at the meeting to contradict the state's September announcement that its website had been scanned but not compromised.

Bahnke said her understanding is that Alaska's website was scanned by a computer associated with a specific internet address that was also linked to 20 other states targeted by the Russian cyber-actors.

Only one state, Illinois, has acknowledged it was compromised, telling DHS that "its voter rolls had been accessed but nothing had been altered," according to NBC's report.

"The department has been clear and consistent that we are aware of 21 states targeted by Russian government cyber actors leading up to the 2016 election," said Houlton, the DHS press secretary. "In nearly all states, only preparatory activity like scanning was observed."

One state lawmaker, Anchorage Democratic Sen. Bill Wielechowski, responded to NBC's report by calling on the Republican-led Senate majority to hold hearings on what he called "Russian hacks into Alaska's election system."

"Alaskans have a right to know exactly what occurred, if there were illegal entrances into our system during the election process and to what extent it may have tainted Alaska's election or Alaskans' data," Wielechowski said.

Asked how worried Alaskans should be about the security of the state's elections, Bahnke responded that "the threat is real," citing the U.S. Justice Department's recent charges that 13 Russians had tried to interfere with the 2016 election.

"But the state is taking every possible action necessary," Bahnke added. She said her office is following federal recommendations and relying on intelligence officials to provide the state with up-to-date information.

Bahnke herself is in the process of getting a top security clearance to allow her to get more of that information. She said she was fingerprinted Tuesday.

## **Illinois Protecting Against Russian Election Tampering**

Associated Press, February 28, 2018

SPRINGFIELD, Ill. (AP) – Illinois is working to better protect itself from hacking ahead of the state's March primary, the state's top elections official said Wednesday, noting that federal authorities have warned that the threat of further Russian interference before November's midterm elections "is still very real."

Russian agents targeted elections systems in 21 states ahead of the 2016 election and two states, according to the Department of Homeland Security. Illinois noticed its voter registration databases were breached in July 2016. Hackers accessed 76,000 active Illinois voter registration records but were unable to add, change or delete any data. The state

contacted the FBI shortly thereafter and contacted affected voters by mail.

Steven Sandvoss, who heads the State Board of Elections, said at a news conference Wednesday that state officials have been working with DHS to bolster Illinois electronic database and that they told him the threat of another Russian attack "is still very real."

Election officials are "constantly" updating their technology and equipment, and starting this year, state employees are required to undergo annual cybersecurity training from the Department of Innovation and Technology, which is focused on preventing phishing attacks like the ones used against Clinton campaign chairman John Podesta.

Illinois is one of 14 states that requested a risk assessment of its electronic database. Sandvoss confirmed that an assessment has been scheduled, but he couldn't say if the test, which typically takes two weeks, will be completed before the state's March 20 primary election.

Sandvoss was also granted federal clearance in February, after months of waiting, to attend a national classified national briefing with Homeland Security and election officials across the country.

He said federal officials maintained in the briefing that communication with state officials is crucial to defending against any election interference. DHS also noted that states were also told to look out for "general efforts to disrupt the elections process," including on social media, Sandvoss said.

Despite the federal support, local election officials see themselves as the front line against a possible hack.

"It is really our responsibility at the local level to maintain the accuracy and the integrity of the registration system," said Sangamon County Clerk Don Gray.

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## **DHS To Launch Cloud Steering Group – FCW**

By Lauren C. Williams

Federal Computer Week, February 28, 2018

The Department of Homeland Security is launching a cloud steering group as part of its cloud computing strategy, CIO John Zangardi said during a keynote address at AFCEA's 2018 Cyber Summit on Feb. 27.

"There are 584 applications roughly in DHS, 52 are in the process of or are moving to the cloud. So there's 29 applications across the components at headquarters that are currently in the cloud right now," Zangardi said. "That's not a significant number when you think about it out of 584. We need to do better, so we're setting up a cloud steering group."

The cloud steering group would be at the undersecretary level, he said, "to make sure that we take advantage and cut across all the equities that are out there and start moving this forward" and include a slew of

executives, namely the chief procurement officer, chief security officer, chief privacy officer, CIOs and their deputies, among other executives.

"The idea here is to establish a stretch goal as we move forward over the next year," Zangardi said, though he wouldn't give specific numbers because they were still being worked out. The plan is to target a number of applications to be moved over and the processes needed to do so.

"The idea here is to temper out roadblocks. Is it a contracting problem? Is it a technical problem? Is it a money problem? Is it a privacy problem? And then work through those problems so we can then expedite how we want to move forward," Zangardi said.

The move comes as the Department of Defense, where Zangardi served as acting CIO before his move to DHS, is fielding a high-level cloud steering group to come up with a plan for large-scale cloud adoption. The DOD effort, which is being led by the Defense Digital Service, is holding an industry day in March to update vendors on its plans.

Zangardi also said he was looking at getting a virtual trusted interface connection, similar to the Defense Department's cloud access point, and is working with commercial cloud vendors to "reduce the complexity and latency" during cloud migration.

Zangardi also mentioned he was forming an integrated product team on the executive level to work with DHS components to remove obstacles and assign tasks that propel cloud migration forward.

"The objective here is to make sure that everything we do is agnostic and it is hybrid in nature," he said.

## **CYBERCOM Leader Offers Advice For His Successor**

NextGov, February 28, 2018

The outgoing U.S. Cyber Command leader offered his successor some advice Tuesday: You're going to need more people.

The next CYBERCOM leader will inherit a 10-year-old structure that needs some adjustments and additional capacity, Adm. Michael Rogers told the Senate Armed Services Committee Tuesday. He said he'd like to take lessons learned over eight years of operations to retool teams and figure out ways to work with partners in a faster, more agile way.

"We need to increasingly treat Cyber Command as a high demand, low density resource where we have the knowledge that there's not enough capacity to do everything we want," he said. The command continually re-evaluates where its resources are allocated based on current risks.

CYBERCOM is on pace for its 133 Cyber Mission Force teams, comprising roughly 6,200 people, to reach full

operating capability as early as June, according to Rogers' written testimony.

In the spring, when Rogers is scheduled to retire, CYBERCOM will make its mandated transition to a unified combatant command, connecting its leader directly to the Secretary of Defense and the president. Rogers' written testimony said CYBERCOM will request a new headquarters so it can consolidate staff that are currently spread out between 10 NSA buildings around the Baltimore-Washington Highway Corridor.

Rogers is both the leader of CYBERCOM and the National Security Agency. His replacement will continue that dual-hat arrangement in the near-term because of CYBERCOM's expanded mission to plan and execute global cyberspace operations.

The president nominated Lt. Gen. Paul Nakasone, who currently leads U.S. Army Cyber Command, to replace Rogers earlier this month. Nakasone helped stand up CYBERCOM under its first chief, Gen. Keith Alexander, and oversaw the Army's Cyber Mission Force teams when they reached full operating capability a year ahead of schedule. Nakasone's confirmation hearing is scheduled for Thursday.

## **FTC Urges Device Manufacturers To 'Streamline' Cybersecurity Update Process**

By Rick Weber

Inside Cybersecurity, February 28, 2018

The Federal Trade Commission has issued a series of recommendations for mobile device manufacturers on security updates and patching of operating software systems, including improved record keeping and continued "streamlining" of the consumer notification

The Federal Trade Commission has issued a series of recommendations for mobile device manufacturers on security updates and patching of operating software systems, including improved record keeping and continued "streamlining" of the consumer notification process.

"Consumers use their mobile devices for a wide range of activities and want to have confidence that when they use them they will be secure," said Tom Pahl, acting director of FTC's Bureau of Consumer Protection, in announcing the release of a new report...

## **An Iranian Hacking Group Is Expanding Operations In The Middle East, Report Says**

CNBC, March 1, 2018

The cybersecurity firm said last year, the group attacked organizations in Israel, Jordan, Saudi Arabia, Turkey and the United Arab Emirates. Some of the sectors the group, known as Chafer, has targeted include airlines, aircraft services, telecom firms, and technology companies serving the air and sea transport sectors.

"The group staged a number of ambitious new attacks last year, including the compromise of a major telecoms services provider in the region," Symantec researchers said in the report.

"There is also evidence that it attempted to attack a major international travel reservations firm," the report added, pointing to the group's "heightened ambitions." Symantec said it also found evidence of attacks against an African airline.

Chafer, according to the report, appears to be primarily engaged in surveillance and tracking of individuals and most of its attack is likely carried out to gather information on targets.

Symantec previously wrote about the group's activities in a 2015 blog post, where the firm said it mostly spied on individuals within Iran. But, the report added, the group was already targeting telecom and airline companies in the region.

Last year, Chafer employed new, mostly freely tools to carry out its attacks. One of those tools was also used during the WannaCry and Petya ransomware attacks, according to Symantec.

In recent years, cybersecurity experts have pointed to the growing sophistication of Iran's cyber-espionage capabilities, following a 2011 cyberattack that destroyed computer-controlled equipment at the country's Natanz uranium enrichment facility.

U.S. intelligence officials previously said that hackers believed to be linked to the Iranian government attacked Saudi state oil giant Aramco in 2012, successfully wiping thousands of computers and paralyzing operations.

Security experts have further traced a number of subsequent attacks back to Iran, including hacks on Saudi, American and South Korean companies. Iran has not commented on those accusations.

In February, Saudi Foreign Minister Adel Al-Jubeir told CNBC that Iran was "the most dangerous nation" for cyber threats.

"Iran is the only country that has attacked us repeatedly and tried to attack us repeatedly," Al-Jubeir said. "In fact, they tried to do it on a virtually weekly basis."

He added that Saudi Arabia is taking "all the steps necessary" to defend itself and training its people to "be able to engage in offensive operations to make it hopefully impossible for people to penetrate those systems."

The Iranian government has previously denied accusations of cyber-aggression. It did not respond last month to a request for response to Al-Jubeir's comments.

## **Tony Soprano Of Cybercrime Snitches On Russian Hacker**

Daily Beast, February 28, 2018

Accused Russian hacker Peter Levashov is losing his defense attorney following the discovery that the same lawyer was simultaneously representing a cybercrime ringleader who informed on Levashov in a plea deal.

The bizarre twist connects for the first time two of the U.S. government's biggest cybercrime catches: Levashov, who was extradited from Spain this month on U.S. charges that he ran the massive Kelihos botnet, and Gery Shalon, a Russian-born Israeli businessman who allegedly orchestrated the 2014 hack of JP Morgan Chase.

Shalon is now cooperating with prosecutors in a bid for leniency. He provided incriminating information on Levashov and is a potential witness against the hacker. And until two weeks ago, both men had the same attorney.

New York lawyer Igor Litvak dropped from Shalon's case on February 16, and he told Levashov's judge that his active work for Shalon was confined to a single month in the fall of 2016, after which Shalon stopped talking to him. But the conflict of interest remains, wrote Magistrate Judge Holly Fitzsimmons, in a 30-page proposed ruling on Tuesday. Referring to Shalon as "Client #1," to protect his identity, the judge wrote that Litvak could not ethically represent Levashov's interests after receiving private documents and holding privileged attorney-client conversations with Shalon.

"Attorney Litvak remained a counsel of record for Client #1 until after he undertook defendant Levashov's representation," wrote Fitzsimmons. "He was still counsel of record when, according to the Assistant U.S. Attorney, Client #1 met with prosecutors in another district, entered into a cooperation agreement, and provided incriminating information about now defendant Levashov, although Attorney Litvak has represented that he was unaware of those actions."

The written opinion does not use Shalon's name, but provides detailed information about appearances and court filings that leave no doubt that "Client #1" is Shalon, including a direct quote from Litvak's motion to withdraw from the Shalon case.

Litvak has two weeks to challenge the proposed ruling. He did not respond to inquiries for this story.

A native of St. Petersburg, Russia, Levashov was wanted in the U.S. on various hacking and spamming charges for nearly a decade before he was arrested on a trip to Barcelona in April 2017 on U.S. computer hacking charges. After losing a lengthy extradition battle, Levashov arrived in federal court in New Haven, Connecticut early this month to face new charges that he created and operated the notorious Kelihos botnet, a network of 100,000 hacked Windows machines that was leased out to cyber criminals to distribute spam, phishing emails and ransomware.

His lawyer, Litvak, is one of a pair of Russian-speaking New York attorneys who've become the go-to counsel for Russian nationals charged with hacking. Litvak's client list

includes Roman Seleznev, the son of a Russian lawmaker who was sentenced to 27 years for a large-scale credit card hacking operation and Dmitriy Smilianets, who helped sell ATM and credit card data stolen from targets like, Hannaford, 7-Eleven, and Heartland Payment Systems.

Litvak frequently works beside a second lawyer named Arkady Bukh, and at one point he was part of Bukh's small law firm. Both men were attorneys-of-record for Gery Shalon, and Bukh remains on Shalon's case, though a third lawyer, Michael Soshnick, has now taken the lead. (Soshnick did not immediately return a phone call from the Daily Beast on Wednesday.)

Shalon and some of his associates are charged in federal court in Manhattan with running a vast cybercrime empire with hundreds of employees and a vast international infrastructure. Shalon's business interests allegedly included 12 online casinos, two payment processing companies that catered to black market pharmaceutical and malware sales, and the shady BitCoin exchange Coin.mx. Between 2007 and 2015, his enterprises allegedly earned hundreds of millions of dollars, all laundered through a network of 75 shell corporations and stashed in banks in Cyprus, Latvia, Georgia and Switzerland.

Shalon's biggest cash cow was allegedly a pump-and-dump operation in which he'd buy penny stocks then boost them in an aggressive spam campaign. To get email addresses for the campaigns Shalon allegedly had three hackers penetrate financial firms and steal customer data. The largest such breach was the 2014 JP Morgan Chase hack that compromised information on 76 million households and 7 million small businesses.

Shalon and some of his allegedly co-conspirators were extradited to the U.S. from Israel in June 2016. Court filings over the last year have largely been under seal.

The exact nature of Shalon's association with Levashov is unclear. Shalon's indictment says three hackers worked for him to penetrate financial sites and other targets—two are named, one remains a secret, leaving the possibility that Levashov is the third hacker. It's also possible that Shalon commissioned Levashov to distribute his pump-and-dump spam through Kelihos.

What's certain is that Shalon began providing information on Levashov early in his plea negotiations during a "proffer" with the government—a debriefing in which a defendant lays out what they have to offer. (Litvak was not at the proffer sessions, according to Monday's findings; his co-counsel Bukh was present.)

Levashov's first choice was Bukh, who declined the case because of the conflict of interest. And despite the legal controversy, Levashov's wants desperately to stick with Litvak, in part because he wants his case to proceed after already spending eight months in a Spanish jail.

"In volunteered statements and in response to the Court's questions, defendant Levashov has repeatedly emphasized that he REALLY wants Attorney Litvak to represent him, and he therefore wishes to waive any conflict and give up any future claim for ineffective assistance of counsel, should he be convicted," the magistrate wrote.

Shalon, though, has refused such a waiver, and the prospect that he might one day testify against Levashov, and even face cross examination by his own former lawyer, weighs heavily against Levashov's request, the magistrate wrote. "Indeed, Client #1's refusal to agree raises the specter of 'betrayal' and fundamental unfairness that inevitably arises when an attorney must cross-examine or otherwise attack a former client."

## IoT Rewards To Outweigh Risks For NSA

SIGNAL Magazine, February 28, 2018

Where some see challenges, others see opportunities. It sounds like a motivational poster, but that is exactly how researchers at the National Security Agency view the Internet of Things, or the IoT.

"We approach IoT a little differently than everybody else. Everybody's talking about all the security problems. That's certainly fair, but we look at IoT as an opportunity in terms of the security goals we can accomplish," says George Coker, chief, Information Assurance Research Group, National Security Agency (NSA).

He describes a paradox of sorts in which the IoT can help the agency achieve its security goals but first may need to be made more secure. "We need to always look at emerging technologies and understand what mission value they provide and also what security requirements we need to meet in order to follow through on that mission value," Coker suggests.

He cites multifactor authentication as one example. "We think there's quite a bit of value in using IoT-like capabilities to further enhance and create not only better fidelity for the enterprise in terms of multifactor authentication but greater ease of use. There's a high potential payoff for IoT because both the enterprise and the user have significant pains in the experience and management of multifactor authentication," Coker explains.

The NSA's Information Assurance Research Group touts its Secure Wearable Authentication Gear (SWAG) project as a potential replacement for the ubiquitous password. SWAG offers a frictionless, wristband-based system to ensure and confirm a user's identity, according to an NSA webpage. "Wearable technology will use cryptography to replace vulnerable passwords with a simple tap, and a proximity monitor will automatically lock the system when the user leaves the vicinity. On the whole, SWAG will position the U.S. Department of Defense to make the most of

capabilities inherent in the Internet of Things," the webpage states.

Coker indicates that SWAG is rooted in a program from about a decade ago known as Sentient Office. In some ways, he shares, the NSA research group was exploring IoT-type capabilities and technologies before the IoT concept really began to take off. "Ten-plus years ago—well before wireless networking at the enterprise level was mainstream—we were trying to understand how we could do IoT-like enabling of the office environment for security. The problem was that the networks weren't there to support all of the wireless distributed sensors and sense making," Coker says. "Now we are revisiting parts of it with this effort we call SWAG, which is our IoT multifactor approach to authentication."

The agency's prescient forays into IoT-like research included a host of other emerging technologies. "We were definitely experimenting with ad hoc mesh networking and trying to understand if we could attach this wireless sensor to other devices and get a more comprehensive picture of the office environment," Coker reports. The technologies included facial recognition and gait analysis to identify someone by the way he or she walks. The agency also was researching intrusion detection systems and virtual private networks before they became commonplace.

"Those were things that 30-plus years ago were not mainstream capabilities, and today everybody has networks in their homes as well as in their enterprises at work. We're often looking at how we can structure solutions out of the same types of components that are commonly used everywhere and then understanding where we need to add value for national security customers," Coker relates.

Recent advances in wearable technologies mean that the time is finally right for SWAG. The cloud, wireless infrastructure, miniaturization, capability consolidation and advances in back-end computing power helped make SWAG possible. "That was something very hard to achieve 10, 15 years ago," he states.

The new revelation that wearable technologies, such as Fitbit, have led to the disclosure of classified military locations around the world offers no concerns for the SWAG project, Coker assures. "We continue to try to understand how we can protect these devices against known as well as unknown threats. That is a challenge," he acknowledges. "You have to design your architecture and your approach to the system to try to understand how components are vulnerable today and how components might become vulnerable in the future."

Multifactor authentication is part of the NSA's solution to the insider threat, which has plagued the intelligence community since former NSA contractor Edward Snowden's 2013 leak of classified information. But the capability needs to be improved. "If we can create a more fluid experience in multifactor authentication as well as create a more robust experience, we're going to be able to better meet those kinds

of security goals, and that will definitely help with the insider threat problem," Coker asserts.

Efforts to counter the insider threat include two closely related internal NSA programs initiated in the wake of the Snowden scandal: Secure the Enterprise and Secure the Net. The latter effort was criticized in a 2016 Defense Department inspector general's report. The report essentially found that the NSA had not fully carried out each of the steps required under the Secure the Net initiative. But Coker indicates that both Secure the Enterprise and Secure the Net help guard against insider misbehavior. "STE and STN, as they're known internally, are really all about how we can make good on efforts to address the insider threat," he says. Coker reports that his research team is actively supporting the initiatives and adds that a "whole system of mitigations come together to create a consolidated, secure approach to dealing with the insider threat."

The NSA's challenges-vs.-opportunities attitude toward the IoT includes other emerging technologies, such as software-defined networking (SDN). "Software-defined networking has a lot of potential, but I don't think we've been able to really harness it as well at scale," Coker asserts. "We're looking at how we can bolster the security of the components that you build SDN architectures out of and also which SDN architectures work best for national security systems."

Cyber autonomy is another technology of interest for the agency. "Today, responding to threats on the network is a challenge, so we're trying to understand how we can use autonomous systems to marshal effective responses for cyber defense," he says.

Coker also emphasizes contributions his research group has made to open source technologies. For example, it has provided two software analysis tools—Cryptol and the Software Analysis Workbench—now widely used outside of the NSA. Software analysis is valuable not just for national security but also for industry. "We're constantly pleased and amazed when others find new uses and tremendous value in the things we contribute to the community," he offers. The agency supports software assurance communities and continues to focus on software analysis tools that ultimately result in higher-quality software.

Additionally, the agency has introduced two lightweight cryptographic ciphers known as SIMON and SPECK to the public. "They're in response to what we see as unique gaps in IoT and other resource-constrained applications, such as radio-frequency identification," Coker elaborates. "Those are parts of the commercial ecosystem where there is common recognition that the security bar is not quite high enough, so we've introduced those to raise the bar for security in those platforms."

Other NSA open source contributions include Security-Enhanced Linux and Security-Enhanced Linux in Android,



which support access-control security policies. "With those systems, you can use security policies to limit the scope of what any one user can do—even privileged users. I think we're going to see more of those kinds of approaches to system hardening become mainstream and common as people try to better consolidate their approaches to the insider threat," Coker predicts.

He also emphasizes the research group's role in cyber resiliency of networks, enterprises and weapon systems. "That is a concept where today enterprises and networks are constantly changing. They're complex. Adversaries are more determined than ever, so we realize that customers need the ability to persevere and for the systems and networks to adapt and respond in the face of a determined adversary," Coker states.

The NSA's Information Assurance Research Group has gone by a number of different names, and its core areas of research have evolved over the years. Those core areas currently include operating systems, network and hardware security, software analysis, software architecture and system design, and, of course, cyber operations and cryptographic systems, including quantum cryptography research.

The primary mission is to support the agency's deputy national manager for national security systems, Marianne Bailey, by innovating and researching new technologies to reduce risks to U.S. security systems. Ultimately, the group's mission is all about cybersecurity and science. Coker mentions the agency's Science of Security Initiative, which promotes foundational cybersecurity.

"We're very much about a scientific approach to cybersecurity, and we think that is how we're going to make progress now and in the future. We're trying to build all of our work on scientific foundations, and that's going to help us get tremendous scaling and discipline in cybersecurity going forward," Coker concludes.

## **US Spy Chiefs Look To UK For Guidance In Cyber Security Battle**

By David Bond In London And Katrina Manson In Washington

Financial Times, March 1, 2018

Full-text stories from the Financial Times are available to FT subscribers by clicking the link.

## **Trump Doesn't Want To Escalate The Russian Cyber War**

By Eli Lake

Newsday (NY), February 28, 2018

Democrats are furious. Leaders of the U.S. intelligence community have no doubt that Russian trolls, bots and hackers are planning to meddle in the midterm elections this

fall, and to date President Donald Trump has not instructed his cyber generals to hit back.

This was the upshot of Senate testimony Tuesday from Admiral Mike Rogers, the director of the National Security Agency and chief of U.S. Cyber Command. He was repeating a warning voiced by intelligence community leaders earlier this month. Asked if he has been directed by the White House to counter the coming Russian offensive in cyberspace, Rogers responded that he has not.

In this hyper partisan moment, it's understandable that the remarks of the NSA director will be used as a cudgel. In Trump, the Russians got what they paid for, the argument goes. But like most matters of Russia policy, it's a bit more complicated.

Rogers was responding in part to a question about whether he had been told to try to stop Russian hackers at their "point of origin." That means offensive cyber operations designed to shut down, overwhelm or monitor the servers and networks Russia uses to hype fake news, hack Americans and sow chaos in U.S. politics. These would be some of the most sensitive operations conducted by the U.S. government. In such cyber warfare, the rules of escalation and engagement are still not clear.

In this sense Rogers was airing a debate that has raged inside the national security state since 2015. That year, as the Washington Post first reported in December, David Cohen, then deputy CIA director, circulated a menu of covert operations aimed at taking on Russian propaganda on the internet at the source. The options included setting up anti-Kremlin trolls and disabling the servers used by Russian trolls. A U.S. official familiar with the options says these options also included outing the online personas of Russian operatives posing as American activists. As the Post reported, the proposal divided the administration at the time and never reached the president for a decision.

After the 2016 election, some of those ideas were revisited when the Obama administration began drawing up a retaliation policy for Russian meddling that year against the Democratic nominee, Hillary Clinton. Some of the retaliation was public, such as the decision to shut down Russian facilities that doubled as spy hubs. The cyber component however was left for the Trump administration to implement.

A White House official told me on Tuesday that these measures are contentious within the wider government. Rogers and the NSA for example are looking for more authority to begin staging these kinds of attacks, asking for what the NSA in a recent strategy paper called greater "agility" to quickly approve operations as threats gather.

Meanwhile others inside the administration, like Secretary of State Rex Tillerson and Secretary of Defense James Mattis, are wary. There are risks to America's broader reputation if a cyber weapon causes broader damage to the digital infrastructure of allies or countries that were not the

target of the attack. This is what happened in the case of a Russian virus, NotPetya, deployed initially against Ukraine's banking infrastructure that spread into the wider internet.

There are turf issues as well. As the Post reported in December, one element that has slowed down the cyber retaliation against Russia has been confusion over whether this falls under National Security Adviser H.R. McMaster or Tom Bossert, the top White House official in charge of homeland security.

Finally, there is the very real prospect of escalation. Columbia University researcher and cyber expert Jason Healey made this point in a piece this week. He wrote that Putin saw his election interference in 2016 as a response to what he perceived was the U.S. government's role in releasing the Panama Papers, a trove of secret bank records that exposed offshore wealth hidden by a number of high government officials, including Putin.

Healey told me that the task for policy makers is to get the right balance for cyber actions against Russia related to the election this year. "Trying to get this calibration right – of something that is just disruptive enough that it throws off the Russian game, but not so severe that they feel they need to come back heavier – is what needs to happen," he said.

The problem is that Putin has won the contest of what military planners call "escalation dominance" for now. He proved he was willing to go further in 2016 than the established cyber contest between the U.S. and Russia. In some ways, Russia already showed it was willing to go beyond previously established understandings of cyber warfare when in 2014 hackers made public a recording of a phone call of former U.S. Assistant Secretary of State Victoria Nuland talking with the U.S. ambassador to Ukraine, Geoffrey Pyatt.

Healey says Putin can do worse. "We are seething, and I respect that," he told me. But he said it's worth thinking through how Putin can further escalate. "What if he decides to release the personal information of the people on the Cyber Mission Force?" he asked. It would not be hard for Russian spies to get hold of that. In 2015, Chinese hackers pilfered the personnel records of four million U.S. government workers from the Office of Personnel Management, the government agency that keeps records of U.S. security clearances, among other things.

None of this is an excuse for inaction. Russia's troll farms and hackers should be probed and disrupted. State voting systems should be hardened before the midterm elections. But cyber warfare is complicated. There are honest reasons the Trump administration would want to proceed carefully, so as not to escalate a cyber war with Russia.

Eli Lake is a Bloomberg View columnist. He was the senior national security correspondent for the Daily Beast and covered national security and intelligence for the Washington Times, the New York Sun and UPI. This column does not

necessarily reflect the opinion of the editorial board or Bloomberg LP and its owners.

## Encrypted Smartphones Secure Your Identity, Not Just Your Data

By Susan Landau

Houston Chronicle, February 28, 2018

Smartphones store your email, your photos and your calendar. They provide access to online social media sites like Facebook and Twitter, and even your bank and credit card accounts. And they're keys to something even more private and precious – your digital identity.

Through their role in two-factor authentication systems, the most commonly used secure digital identity protection method, smartphones have become essential to identifying people both online and off. If data and apps on smartphones are not secure, that is a threat to people's identities, potentially allowing intruders to pose as their targets on social networks, email, workplace communications and other online accounts.

As recently as 2012, the FBI recommended the public protect their smartphones' data by encrypting it. More recently, though, the agency has asked phone makers to provide a way to get into encrypted devices, what police call "exceptional access." The debate so far has focused on data privacy, but that leaves out a vital aspect of smartphone encryption: its ability to secure people's personal online identities.

As I wrote in my recent book, "Listening In: Cybersecurity in an Insecure Age," doing what the FBI wants – making phones easier to unlock – necessarily decreases users' security. A recent National Academies of Sciences, Engineering and Medicine study, in which I participated, also warns that making phones easier to unlock potentially weakens this key element of securing people's online identities.

Gathering evidence or weakening security?

In recent years, police have sought access to suspects' smartphones as part of criminal investigations, and technology companies have resisted. The most prominent of these situations arose in the wake of the 2015 San Bernardino mass shooting. Before the attackers themselves were killed in a shootout, they were able to destroy their computers and phones – except one, a locked iPhone. The FBI wanted the phone decrypted, but worried that failed attempts to crack Apple's security mechanisms could cause the phone to delete all its data.

The agency took Apple to court, seeking to force the company to write special software to avoid the phone's built-in protections. Apple resisted, arguing that the FBI's effort was government overreach that, if successful, would

decrease all iPhone users' safety – and, by extension, that of all smartphone users.

The conflict was resolved when the FBI paid a cybersecurity firm to break into the phone – and found nothing of relevance to the investigation. But the bureau remained steadfast that investigators should have what they called “exceptional access,” and what others called a “back door”: built-in software allowing police to decrypt locked phones.

The situation is not as simple as the FBI suggests. Secure phones do provide barriers to police investigations, but they are also an excellent component of strong cybersecurity. And given the frequency of cyberattacks and the diversity of their targets, that's extremely important.

In July 2015, U.S. officials announced that cyberthieves had stolen the Social Security numbers, health and financial information and other private data of 21.5 million people who had applied for federal security clearances from the U.S. Office of Personnel Management. In December 2015, a cyberattack at three electricity companies in Ukraine left a quarter of a million people without power for six hours. In March 2016, countless emails were stolen from the personal Gmail account of John Podesta, chairman of Hillary Clinton's presidential campaign.

In each of these cases, and many more around the world since, a poor security practice – securing accounts solely through passwords – let bad guys do serious damage. When login credentials are easy to crack, intruders get in quickly – and can go unnoticed for months.

The technology to secure online accounts lies in people's pockets. Using a smartphone to run a piece of software called two-factor (or second-factor) authentication makes logging into online accounts far harder for the bad guys. Software on the smartphone generates an additional piece of information that a user must supply, beyond a username and password, before being allowed to login.

At present, many smartphone owners use text messages as a second factor, but that's not good enough. The U.S. National Institute of Standards and Technology warns that texting is far less secure than authentication apps: Attackers can intercept texts or even convince a mobile company to forward the SMS message to another phone. (It's happened to Russian activists, Black Lives Matter activist DeRay Mckesson, and others.)

A safer version is a specialized app, like Google Authenticator or Authy, which generates what are called time-based one-time passwords. When a user wants to login to a service, she provides a username and password, and then gets a prompt for the app's code. Opening the app reveals a six-digit code that changes every 30 seconds. Only upon typing that in is the user actually logged in. A Michigan startup called Duo makes this even easier: After a user types in a

username and password, the system pings the Duo app on her phone, allowing her to tap the screen to confirm the login.

However, these apps are only as secure as the phone itself is. If a smartphone has weak security, someone who has possession of it can gain access to a person's digital accounts, even locking the owner out. Indeed, not long after the iPhone debuted in 2007, hackers developed techniques for hacking into lost and stolen phones. Apple responded by building better security for the data on its phones; these are the same set of protections that law enforcement is now seeking to undo.

#### Avoiding disaster

Using a phone as a second factor in authentication is convenient: Most people carry their phones all the time, and the apps are easy to use. And it's secure: Users notice if their phone is missing, which they don't if a password is lifted. Phones as second-factor authenticators offer a vast increase in security beyond just usernames and passwords.

Had the Office of Personnel Management been using second-factor authentication, those personnel records wouldn't have been so easy to lift. Had the Ukrainian power companies been using second-factor authentication for access to the internal networks controlling power distribution, the hackers would have found it much harder to disrupt the power grid itself. And had John Podesta been using second-factor authentication, Russian hackers would not have been able to get into his Gmail account, even with his password.

The FBI contradicts itself on this important issue. The agency has suggested the public use two-factor authentication and requires it when police officers want to connect to federal criminal justice database systems from an insecure location such as a coffee shop or even a police car. But then the bureau wants to make smartphones easier to unlock, weakening its own system's protections.

Yes, phones that are difficult to unlock impede investigations. But that misses a larger story. Online crime is sharply increasing, and attacks are growing more sophisticated. Making phones easy for investigators to unlock will undermine the best way there is for ordinary people to secure their online accounts. It's a mistake for the FBI to be pursuing this policy.

## OTHER DHS NEWS

### Industry Seeks Easy Fixes To Lengthy, Redundant Vetting Process For DHS Contractors

By Nicole Ogrysko

Federal News Radio (DC), February 28, 2018

Industry is pushing members of Congress to help the Homeland Security Department address a series of major roadblocks that companies have with the agency's long,

confusing and redundant process for vetting contractor personnel.

Most members of industry and Congress agree: the governmentwide security clearance process, which recently made its way back on the Government Accountability Office's biennial High-Risk List, has its many challenges.

But the least DHS could do, industry said, is standardize and simplify the requirements it uses to determine whether contracting personnel are fit to work on behalf of the agency.

"We want them standardized," Marc Pearl, president and CEO of the Homeland Security and Defense Business Council, said Tuesday at a hearing on the DHS vetting process. "We want to understand a sense of consistency. Drugs is one example. Some agencies don't care. Some agencies may [limit] within the last three years or within the last 10 years. That's not necessarily just a security clearance uniform approach. Different components approach that question [differently]. They approach bad debt differently. Some don't even allow the asking of the question. Some set it at \$3,000 or \$5,000 or \$10,000."

DHS leadership can — and should — agree to common suitability standards across the department, industry members said.

"Does the secretary have a magic wand? Or do we need legislation to move this forward?" House Homeland Security Oversight and Management Efficiency Subcommittee Ranking Member Luis Correa (D-Calif.) asked.

Several industry associations said they didn't see any regulatory or statutory barriers that would prevent the DHS secretary from issuing and enforcing uniform fitness standards to vet contractor personnel across all 22 component agencies.

Determining which individuals agencies should trust with their work is an important decision, said David Berteau, president and CEO of the Professional Services Council. But it's not one that should take months.

"You minimize risk by taking forever to do it," he said. "If you never say yes, then you're never in trouble for having said yes to the wrong person. The secretary and the officials underneath the secretary need to provide the coverage that says, it's OK to make a decision."

There are several problems with the current DHS system, members of industry said. The challenges have been building over the Homeland Security Department's short history, and many aren't necessarily peculiar to DHS.

First, each component has its own personnel security clearance with different procedures, adjudicators and standards to determine what's acceptable.

For example, a contractor who received a favorable fitness assessment from the Transportation Security Administration (TSA) can't simply pick up and move to new work for another DHS component like Customs and Border

Protection. CBP may often use its own standards to determine suitability, and the same contractor may be asked to start the suitability assessment process over again to start work on a new task order.

Contractors are often unclear about how each DHS component applies those fitness standards for each position, meaning they have little insight into whether the employees they designate meet the component's needs. The line of communication between industry and DHS subcomponents about this process is lengthy and confusing.

Companies typically wait anywhere from three-to-15 months for their employees to receive a fitness determination, members of industry said, and DHS provides no status update on those suitability ratings.

"Even if you have a process that is broken, even if you have a process where things are going on for a long time, at least communicate with the contractor," Pearl said. "At least ... stay in touch. Check in. Give them that information."

The uncertainty recruiting and retaining top talent is difficult for companies, who are often forced to offer prospective candidates conditional offers of employment for a single position multiple times, Pearl said. HSDBC member companies often build extra time and costs to hire multiple people in their rates and pricing models before their customer agencies, he added.

All of these differences are illogical and counterproductive — for both the contractor and the agency, said Charles Allen, a senior intelligence adviser for the Intelligence and National Security Alliance (INSA) and former undersecretary of intelligence and analysis for DHS.

"One of the reasons we like to use contractors is because of the flexibility that contracting provides you," Berteau said. "Once you have a government career civil servant, that's the job they're in. With contractors, you at least theoretically, you have the ability to move to where the need is and to be able to go back and forth. The department is actually working against its own interest by making it more difficult to do that."

The department is only 15-years old, and like many aspects of DHS, its components are still learning how they can unite under one agency mission.

The lack of uniform suitability standards is one piece that DHS can address on its own. But the department alone can't address every single challenge facing the governmentwide vetting and security clearance process, Berteau said.

But Berteau and other industry leaders said DHS leadership can facilitate some of the tough conversations the department's already facilitated with its components about procurement.

"We need to recognize that every day, there are thousands of people who get up in the Department of Homeland Security and come to work and do the absolute

best they can," Berteau said. "Some of those people are on the government payroll, some of those people work for contractors. They do their best to get their jobs done. They deserve a better system."

Members of the House Homeland Security subcommittee were baffled by DHS' lack of communication and confusion. Other agencies, like the Defense Department, have a better handle on contractor suitability.

"If somebody can do it, everybody can do it," subcommittee Chairman Scott Perry (R-Pa.) said. "You have to want to do it, though."

## **South Carolina Begins Issuing Real ID-Compliant Cards**

Associated Press, February 28, 2018

COLUMBIA, S.C. (AP) — South Carolina is ready to start issuing new driver's licenses that are in line with federal identification requirements for boarding a plane, entering a federal building or getting onto a military base.

Department of Motor Vehicles Director Kevin Shwedo said Wednesday that the new Real ID Act-compliant licenses and identification cards are now available at his agency's 67 locations.

The new cards have a gold star. Non-compliant cards are still available and have text reading they are "not for federal identification."

Gov. Henry McMaster signed a law last year allowing South Carolinians to obtain REAL ID Act-compliant licenses, reversing the state's decade-long refusal to comply.

Now, South Carolinians have until October 2020 before a REAL ID license is needed to show at military bases or airports.

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## **ICE Is A Terrifying And Faceless Federal Agency. Here's The Face Of The Guy Who Runs The Seattle Office. Fuck Him.**

Seattle Stranger, February 28, 2018

"ICE is out of control," goes the headline at Slate. "Donald Trump's ICE is tearing families apart," goes the headline at the New Yorker. "ICE wants to deport the caregiver of a 6-year-old paraplegic boy," goes the headline at Daily Kos. "ICE targets sanctuary cities, arrests 33 in Northwest," goes the headline at NPR.

Reading these stories, we learn that ICE just arrested a 55-year-old chemistry professor in Lawrence, Kansas, who's lived in this country for 31 years and has three children, all of whom are American citizens; according to the Washington Post, he was arrested on his front lawn in front of his children, and his wife was threatened with arrest if she tried to hug her

husband goodbye. We learn that after ICE moved to deport a married man in Arizona who now has five children, one of whom has leukemia, the father was forced to take refuge in a church with his ailing son. We learn that ICE denied an appeal from an Ohio man who is a specially trained caregiver for a 6-year-old paraplegic boy who depends on his care. We learn that ICE ordered an HIV-positive gay man in Miami deported to Venezuela, a country in a state of economic collapse; since the man won't be able to get the medications he needs to keep him alive, his deportation amounts to a death sentence.

Every day ICE rounds up more and more law-abiding but undocumented residents of the United States, many of whom were brought here as children. "ICE made a hundred and forty thousand arrests last year, an increase of thirty per cent compared to the year before, and the number of so-called non-criminal arrests has doubled," reports the New Yorker about Trump's first year in office.

ICE tosses men, women, and children into for-profit prisons before sending them back to countries where they may have no family and, in many cases, don't speak the language. ICE is tearing American families apart and destroying children's lives. "Researchers have found that [the American children of deportees] often bounce around among relatives, suffer in school and display self-destructive behaviors, such as cutting themselves," New York Times columnist Nicholas Kristof has written.

We write and we talk about ICE like it's a natural disaster—like it's a hurricane or an earthquake or a wildfire. This terrible thing happened because of ICE, that terrible thing happened because of ICE. But ICE isn't an impersonal, uncontrollable, unaccountable force of nature. ICE, like corporations or Soylent Green, is people. ICE is people who are being paid to do unbelievably cruel things to other people. And if you're a US taxpayer, these unbelievably cruel things are being done in your name and on your dime. The ICE agents who threatened to arrest that chemistry professor's wife if she tried to hug him goodbye? Those people work for you.

ICE is not a force of nature. It is not a faceless, malevolent force. It's a US federal law enforcement agency under the jurisdiction of the Department of Homeland Security. ICE has an annual budget of \$5.34 billion, the agency employs more than 20,000 people, and as a matter of policy this agency ships deportees out of this country in shackles. ICE is headquartered in Washington, DC, it has more than 400 field offices across the country, and 24 of those field offices are Enforcement and Removal Operation (ERO) centers. One of ICE's ERO centers is located in Seattle. The acting head of the Seattle ERO office is not an unknown bureaucrat, but an actual human being with a name: Marc J. Moore.

And you know what? Fuck that guy. Fuck Marc J. Moore.

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Marc J. Moore arrived in Seattle in November. He came from Miami, where he headed a field office down there. Regional field office directors enjoy broad discretionary powers. They pick and choose who gets arrested, who gets deported, and who winds up forced to sit in their own waste on an airplane.

While Moore was in charge in Florida, his officers bound and shackled 92 Somalians and put them on a plane. These men and women sat restrained for nearly two days, as their plane was unable to land in Somalia due to technical issues. It landed in Senegal instead, for a 20-hour layover, before the plane was rerouted back to Florida. "The Somalis reported being shackled and beaten by ICE agents and forced to stay seated during the entire 48-hour episode," according to the ACLU. One of the passengers on that plane, Rahim Mohamed, "who has diabetes, stated he was denied access to the restroom on the flight and was forced to urinate in bottles and, when he ran out of bottles, on himself. Being shackled the entire time left his legs severely swollen and he sustained an injury to his hand when an ICE agent twisted it. Rahim recounted the humiliation and physical abuse on the plane, including instances of ICE agents choking a man and throwing another on the floor, resulting in visible, bloody injury, as 'inhumane, like we were slaves or something.'"

When the Somalians arrived back in Florida, the field office run by Marc J. Moore moved to deport them again, back to a country where they will face grave danger due to "the severe escalation of anti-West terrorist violence in Somalia in recent weeks," according to a motion filed by the ACLU in US District Court in the Southern District of Florida.

Also during Moore's tenure in Miami: a detainee sued ICE for allegedly allowing a guard to beat him in an elevator, and the ACLU sued Moore "in his capacity as Field Office Director for the ICE Miami office," seeking the release of a transgender woman from Haiti who was a legal resident of the United States. Moore's office had the woman arrested and held her in prison for more than a year before the ACLU stepped in.

And this motherfucker—excuse me: this public servant—is now running the ICE field office here in Seattle. Not that ICE wants you to know much about him. The Stranger confirmed with Lori K. Haley, a public affairs officer for ICE's western region, that Moore was temporarily assigned to head Seattle's office sometime in December. When asked for Moore's specific start date, Haley said by phone that she would have to get back to us. She did not return a follow-up email, so we called Yasmeen Pitts O'Keefe, another public affairs officer. She was less helpful than Haley, demanding to know why we wanted to know when Moore

arrived in Seattle. Since then, ICE has not responded to The Stranger's requests for comment.

In mid-January, after Moore had been in Seattle approximately a month, Seattle's ICE field office initiated deportation proceedings against Maru Mora Villalpando, one of the most vocal local defenders of immigrants. Villalpando, an openly undocumented Mexican native, spoke up in defense of hunger-striking detainees at the Northwest Detention Center, a private prison in Tacoma where ICE warehouses prisoners.

Once again, ICE regional field office directors enjoy broad discretionary powers—so if ICE is going after Villalpando to punish her for speaking out, the agency is presumably doing so on Moore's orders. We'd ask the public affairs officers at ICE to confirm whether it was Moore who ordered local ICE agents to target Villalpando, but they're not returning our calls anymore.

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The men and women (but mostly men) of ICE weren't exactly sitting on their hands during the Obama administration—the ACLU sued Marc J. Moore in 2012—but things have gotten much worse under Donald Trump. And the men and women (but mostly men) of ICE aren't targeting the people Trump promised to go after during the campaign or in his recent State of the Union address, e.g., gang members, violent felons, and sexual predators.

"When Donald Trump and members of his administration claim [ICE] is using American taxpayer resources to prioritize dangerous people and 'bad hombres' for arrest and deportation, they're lying to you," Gabe Ortiz writes at Daily Kos. "Since Trump unshackled his mass deportation agents via executive order after taking office last year, the largest surge in ICE arrests haven't been people who pose a risk to public safety."

They've been people who simply don't have documentation—people like Jesus Berrones, the Arizona man who was brought to this country when he was a year old and is now a married father of five US citizens, including a young son with leukemia. It's people like Ricardo Querales in Florida, the HIV-positive gay man from Venezuela whose request for asylum was approved in 2003 but who then had one run-in with the law during a low point in his life (drug possession) before getting his life back on track; Querales now faces a death sentence in the form of a deportation order.

"ICE is ramping up its mass raids in an effort to spread paranoia and uncertainty in cities with large undocumented populations," Jamelle Bouie writes at Slate. "The agency is deliberately targeting these 'sanctuary cities,' hoping to compel cooperation with their newly aggressive enforcement operations. This is all part of a larger strategy to create an atmosphere of fear and desperation for unauthorized immigrants."



It's not just undocumented immigrants, their partners, and their children that the women and (mostly) men of ICE are trying to intimidate. Thomas Homan, the acting director of ICE—Marc J. Moore's boss—has called for the arrest and prosecution of elected officials in sanctuary cities like Seattle. I don't know if ICE has the authority to arrest Mayor Jenny Durkan for refusing to cooperate with the Trump administration, but if it came to that, the order to arrest Durkan would presumably come from Moore. We learned late last week that Durkan issued new protocols for all city departments after Seattle's ICE field office, under Moore's direction, demanded information about a Seattle City Light customer: "[All] department heads must refer any request [from ICE] for 'access to non-public areas in City buildings and venues' and 'actions seeking data or information (written or oral) about City employees, residents or workers' to her office," as David Kroman reported at Crosscut.

...

What's the goal here? It's not about making America greater or safer or richer. It's about making America whiter. Donald Trump, Stephen Miller, John Kelly, Paul Ryan, and Mitch McConnell all hope to make America as white as possible, for as long as possible.

"The White House is assertively working to make America white again," as Steve Phillips wrote on the opinion pages of the New York Times recently. "The aggressive pace of deportations of immigrants of color, the elimination of the DACA program protecting immigrant children and the proposals propounded by the anti-immigration voices in the administration will all have the undeniable effect of slowing the rapid racial diversification of the United States population."

This is a campaign to de-brown this country, to first round up undocumented immigrants—like that chemistry professor in Kansas—before moving on to the DREAMers, while at the same time pushing for "reforms" that will radically decrease the numbers of non-white people allowed to immigrate to the United States.

While the media is doing a good job of putting a human face on the victims of the Trump administration's policies on immigration, it is failing to hold accountable the men and women (but mostly men) carrying out Trump's policies. And just as AIDS activists in the 1980s named and shamed the formerly anonymous bureaucrats who headed up the Centers for Disease Control and Prevention, the Food and Drug Administration, the National Institute of Allergy and Infectious Diseases, and other federal agencies, the time has come to name and shame the currently anonymous bureaucrats at ICE. Like AIDS activists in the 1980s, we will have to be impolite in the face of this evil.

Marc J. Moore isn't a mere cog in ICE's administrative machinery. He directs the local agents who are right now terrorizing undocumented immigrants and their families in our

community. Moore will oversee the arrests and deportations of DREAMers in Seattle after DACA expires on March 5. If Moore's boss gives an order to arrest the mayor of our sanctuary city—not sure how that would work or if it would even be legal—it's Moore who would order local ICE agents to arrest Jenny Durkan. (Anything is possible in Trump world.) Undocumented immigrants and their families are living in fear right now because of the decisions Moore has already made, and they live in fear of the decisions he might make after March 5.

Moore doesn't deserve to be anonymous any more than James O. Mason, who was head of the Centers for Disease Control in 1988, deserved to be anonymous.

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Remember Marc J. Moore's face.

And remember: he's a public servant, you pay his salary, he works for you. Marc J. Moore should know what the people he works for in this sanctuary city think of him and the job he was sent here to do. If you should encounter Marc J. Moore when he's not at work—if you see him at the grocery store or sitting on an airplane or waiting for a table in a restaurant—seize the opportunity to tell Moore what you think of ICE, of Donald Trump, and of him. Don't break the law, of course, and don't interfere with Moore if he's on official business (aka terrorizing your undocumented friends, neighbors, coworkers, and lovers). Don't obstruct justice. But if you should see him in line at Starbucks or waiting to board a plane at Sea-Tac, you can and you should exercise your constitutional right to tell Marc J. Moore to go fuck himself.

Will Moore wind up feeling uncomfortable as he moves through his daily routine if enough people in this sanctuary city confront him? Yes, he will. But his discomfort is nothing compared to the fear being experienced right now, as a direct result of his actions, by undocumented immigrants, their spouses, and their children.

"My parents are just scared," Edgar, a 15-year-old high school student who was brought to the United States as an infant, told KUOW's Liz Jones. "They're trying to just keep me away from trouble or anything that would involve the authorities.... I have two sisters now, but they were both born here in Seattle. I'd rather have myself be taken away than my sisters. I'd rather see them have a good life than me. I'm trying to keep a positive look into this, but yeah, inside I was just like, 'Oh, we're doomed.'"

Our undocumented friends, neighbors, and coworkers are afraid to leave their houses, afraid to drop their kids off at schools, afraid to go to the authorities if they're victimized. As a result, our undocumented friends, coworkers, and neighbors are increasingly vulnerable to exploitation, to wage theft, to sexual assault, and to blackmail. Parents and children like Edgar live in fear of having their lives and their families destroyed by Marc J. Moore. All Moore has to fear is someone telling him to go fuck himself at QFC.

One more time: Marc J. Moore is a public servant and we have a constitutional right—at least as of this writing—to tell public servants like Marc J. Moore what we think of them and what we think of the jobs they're doing, and we are free to express our opinions outside of town hall meetings and feedback forms on government websites. When Ady Barkin, a 33-year-old man from Arizona with ALS, saw Sen. Jeff Flake (R-AZ) on a flight to Phoenix from Washington, DC, last year, Barkin confronted Flake—forcefully but respectfully—about the GOP tax bill, the passage of which would likely result in cuts to services Barkin needs to survive. Barkin was able to confront Flake because he recognized Flake. The video went viral.

We can tell Marc J. Moore what we think of him. We can record it. We can upload it. We all pay his salary—and that “we” includes undocumented immigrants like Edgar’s parents. The IRS estimates that undocumented immigrants pay \$9 billion in federal payroll taxes every year on top of the \$13 billion they pour into the Social Security system annually. The undocumented immigrants in our community paying Moore’s salary can’t risk telling him to go fuck himself. The rest of us can. Yesterday you didn’t know what Marc J. Moore looks like. Today you do.

Marc J. Moore shouldn’t be able to walk into a bar or a restaurant in this city—in this sanctuary city—without being confronted by angry citizens. You can tell Marc J. Moore to go fuck himself or you can engage with Moore respectfully and civilly, in the same manner that Ady Barkin confronted Jeff Flake. Both are legal, both are lawful.

Moore and the other public employees perpetuating some of the worst and cruelest abuses of the Trump regime can’t be able to do so anonymously. The men and women of ICE should be ashamed of themselves. Their families should be ashamed of them. Their neighbors and communities should be ashamed of them. And they should know we’re ashamed of them.

As mentioned, Marc J. Moore moved to the Seattle area in December. We don’t know how long Moore will be here. We do know Moore isn’t wanted here. He deserves no sanctuary.

## **Border Agent Faces 2 Years In Prison For Smuggling Attempt While In Uniform**

Arizona Daily Star, February 28, 2018

The late-night theft of a Border Patrol truck, a tripped sensor and an unforeseen encounter with another agent led a Nogales agent to plead guilty to smuggling marijuana.

Alex Peña, 37, pleaded guilty Feb. 22 to agreeing to help smuggle marijuana brought across the U.S.-Mexico border in exchange for money. He faces up to two years in prison and is scheduled to be sentenced May 16, according to documents filed in U.S. District Court in Tucson.

While in uniform, Peña stole a Border Patrol truck early in the morning of Aug. 2, 2016, and drove it to a remote area south of Patagonia, where authorities said he intended to help smuggle marijuana. Authorities did not seize any marijuana, but Peña admitted to conspiring to smuggle more than 130 pounds of marijuana, according to the plea agreement.

Peña joined the Border Patrol in November 2008 and resigned March 27, 2017, the same day he was placed on unpaid, indefinite suspension and five days after he was indicted by a federal grand jury, according to a statement from the agency’s Tucson Sector.

His bank records showed Peña regularly deposited large amounts of cash starting in 2013, including \$30,000 deposited in 2016 that was not from his salary, according to an affidavit filed by a special agent with the Department of Homeland Security’s Office of the Inspector General.

The affidavit, filed with a February 2017 request for a search warrant of Peña’s phone, described an elaborate plan to meet drug smugglers near the border and deliver marijuana to Tucson.

The plan started to unravel around 2:30 a.m. when a sensor was tripped in hills about eight miles north of the border patrolled by Sonoita station Border Patrol agents.

After hearing about the tripped sensor on his radio, a Sonoita agent went to investigate the sensor and saw the headlights of another Border Patrol truck, which pulled up next to him near the intersection of Forest Road 58 and Hale Ranch Road.

Peña told the Sonoita agent he was from the Nogales station and he was looking for a place to sleep for a few hours before he and other Nogales agents installed a surveillance device on Red Mountain. This was routine practice so the agent was not alarmed, according to the affidavit.

Peña then apologized for tripping the sensor. The comment made the Sonoita agent suspicious because it indicated Peña was listening to the Sonoita station’s radio transmissions.

After Peña drove away, the Sonoita agent followed tire tracks in the mud for a quarter-mile before finding an area of trampled grass where it appeared a truck had backed up.

Agents found footprints of four to six people, greasy hamburger wrappers, soda cans, and a camouflage canteen, all of which were indicators of “load-out” sites where drug smugglers wait to transfer loads to drivers, according to the affidavit. The footprints led agents south toward Mexico.

Around 3:30 a.m., the truck driven by Peña went through the Border Patrol checkpoint on Interstate 19. Video footage showed the driver briefly turned on the truck’s emergency lights and agents waved the truck through the checkpoint.

Peña called and sent text messages to a Tucson phone number throughout the night. Phone records showed he had been contacting this number for about a year. The number was used in 2013 to contact the target of a Drug Enforcement Administration investigation, according to the affidavit.

The owner of the phone Peña called, who was not charged as part of the conspiracy, bought a house a few miles from the load-out site 11 days before Peña picked up drugs at the site.

Investigators used cellphone towers to track Peña's route on Aug. 2, 2016. His phone's signal was tracked to locations and times corresponding to Peña leaving his house in Tucson, taking the truck from the Nogales station, and speaking with the Sonoita agent near Patagonia.

The phone signal also was picked up by a tower near the I-19 checkpoint around the time agents waved the truck through the checkpoint. The signal then went to Tucson and returned to Nogales.

After the Sonoita agent reported finding the load-out site, agents found the truck Peña drove in a side parking lot at the Nogales station, locked, with the hood still warm. The keys to the truck were missing and have not been found.

The truck was found with mud covering its tires, running boards, and the floor mats. The last agent who checked out the truck reported he returned it clean. Drug-sniffing dogs found no drugs in the truck.

Video footage showed an agent parking and entering the station. The driver used an access card assigned to Peña. Both the Sonoita agent and Peña's supervisor at the Nogales station said the man in the video and in a photograph spread likely was Peña.

Peña wore a uniform and drove a marked truck to meet the smugglers that night, which is unusual because he normally worked the day shift in plain clothes and drove an unmarked vehicle for a specialized unit, according to the affidavit. He showed up for his normal shift less than an hour after returning the truck.

Peña has been released on pretrial supervision since March 2017, court records show.

Agents perform their duties with honor and distinction and "any arrest of an employee undermines that hard work and dedication," Tucson Sector Chief Patrol Agent Rodolfo Karisch said in a prepared statement.

Peña's defense lawyer Chris Scileppi would not comment.

## **Donald Trump Gets A Lesson From That 'Very Bad Judge'**

New York Times, February 28, 2018

As 280-character brain-squirts from America's thumbiest commander in chief go, the one President Trump emitted late Tuesday night appeared harmless enough.

Earlier in the day, a Federal District Court judge in San Diego handed Mr. Trump a victory in his efforts to build a wall along the nation's southern border. In a detailed 101-page opinion, the judge rejected a challenge by the State of California and several environmental groups to the administration's waiver of environmental laws that could have held up the wall's construction.

"Big legal win today," Mr. Trump tweeted around 11:30. "U.S. judge sided with the Trump Administration and rejected the attempt to stop the government from building a great Border Wall on the Southern Border. Now this important project can go forward!"

So far so good. Mr. Trump is entitled, no less than other presidents, to celebrate his administration's victories in court — even if he does so in a bathrobe. What he failed to mention, though, was the name of the judge who issued the ruling: Gonzalo Curiel, of the Southern District of California.

Judge Curiel, you may recall, was on Mr. Trump's radar in May 2016, soon after Mr. Trump became the presumptive Republican nominee for president. At the time, Judge Curiel was presiding over a long-running class-action lawsuit against Trump University, which had been accused of defrauding customers who spent \$1,500 for three-day seminars that promised to reveal Mr. Trump's real estate secrets.

Mr. Trump, who refuses to be held to account for anything he has ever said or done, was irked that a federal judge would dare to entertain litigation against him. At a rally in San Diego, Mr. Trump called Judge Curiel "very hostile," "a very bad judge" and a "hater of Donald Trump," and said he "should be ashamed of himself. I think it's a disgrace that he's doing this."

He added that Judge Curiel "happens to be, we believe, Mexican." Not true: Judge Curiel was born and raised in Indiana. But the implication, of course, was that Mr. Trump, who had begun his own candidacy with derogatory comments about Mexicans and had been pushing a border wall with Mexico throughout the campaign, could not get a fair trial from a "Mexican" judge.

Less than two years later, in a case involving the border wall itself, that same judge ruled in Mr. Trump's favor. He is no longer a "very bad judge," apparently.

It's possible that Mr. Trump simply forgot who Judge Curiel is. More likely, he knows full well and doesn't care. What he cares about is protecting his delicate ego, and repairing any damage to it inflicted by people who don't show a sufficient degree of respect or self-abasement. This all-consuming self-interest leads him to change his opinion of people and institutions, depending on how he thinks they are treating him at that moment.

Laws and norms, ethics and principles? Meaningless concepts. In Mr. Trump's world, nothing is sacred and everything is transactional. This is a man who is so much

more interested in winning than in governing that he filed for re-election the same day he was inaugurated. It's the core of who he is, as almost anyone who has had even a glancing dealing with him over the years — especially in real estate, where nothing matters but the sale — will attest. If you help him or say nice things about him, you're the best. If you get in his way or criticize him, you're unfair, dishonest, terrible. Failing, even.

Ask "Liddle" Bob Corker, the Tennessee senator who earned Mr. Trump's outrage by criticizing the Republican tax bill, then seemed to get back on the president's good side with a few empathetic words. Or Senator John McCain, who is dealing with terminal brain cancer even as Mr. Trump keeps mocking him for his vote last year against repealing Obamacare. Or Attorney General Jeff Sessions, who was Mr. Trump's first and most ardent supporter in the Senate, but who has secured a spot in the president's doghouse after recusing himself from the Russia investigation. On Wednesday, Mr. Trump fired yet another broadside at Mr. Sessions, complaining that his failure to investigate alleged abuses of the Foreign Intelligence Surveillance Court is "disgraceful" — in all caps, naturally.

None of this is remotely surprising anymore, but even so, Mr. Trump's tweet about Judge Curiel's border-wall decision revealed once again the depths of the president's own self-interest and his utter lack of principles. When this is the driving force of the commander in chief, and it is aimed at our governmental and social institutions, it is profoundly destructive.

Shortly after the 2016 rally where he disparaged the competence, integrity and ethnicity of Judge Curiel, Mr. Trump was asked why he did not just settle the Trump University case and be done with it. After predicting that he would win outright, he said: "I could settle that case. ... I don't want to settle the case. Because you know what? Because I'm a man of principle." (In November 2016, days after he won the election, Mr. Trump settled, eventually paying \$25 million.)

Fortunately, as this tale reveals, there are in fact still people of principle in public service, and they're doing important work every day to preserve our institutions and counteract this president's worst impulses.

Judge Curiel, for one, has continued to do his job, carefully applying the law to the cases that come before him, no matter how obnoxious the litigants might be. In his ruling on Tuesday, the judge acknowledged the "heated political debate" surrounding the border wall, and quoted a passage on the role of courts by Chief Justice John Roberts Jr. — who, he slyly noted, is a "fellow Indiana native": "Courts are vested with the authority to interpret the law; we possess neither the expertise nor the prerogative to make policy judgments. Those decisions are entrusted to our nation's elected leaders, who can be thrown out of office if the people

disagree with them. It is not our job to protect the people from the consequences of their political choices."

That is what being a public servant in America sounds like, and it requires a level of selflessness and devotion to democratic ideals that are alien to Mr. Trump.

## **TERRORISM INVESTIGATIONS**

### **France's Latest Crackdown On Islamic Radicalization Marks U-turn From Previous Attempts**

By Elena Berton

Washington Times, February 28, 2018

PARIS — Rocked by a string of Islamist terror attacks capped by a deadly rampage in the heart of Paris in late 2015, French President Emmanuel Macron's administration this week set out tough new measures to crack down on Islamic radicalization in schools, prisons and online.

But hopes here that the new policies will work aren't high — it's the third such plan French officials have floated just in the past four years.

Amid fears that French-born recruits to Islamic State may be making their way home after the terror group's battlefield defeats, the state's multiple plans are seen as symbolic of France's struggles to deal with the largest Muslim population in Western Europe and to assimilate disaffected young Muslims into French society and culture. Since the first anti-radicalization plan was floated in 2014, militants have been blamed for the deaths of some 240 people in attacks in Paris, Nice and elsewhere.

This time, the authors insist, will be different.

"The new plan is much better because it addresses prevention," said Nathalie Goulet, a senator with the Centrist Union center-right parliamentary group. "Previous measures mostly focused on criminal regulation, which didn't solve the problem."

Without providing details on costs, the government will invest in training teachers to detect the early signs of radicalization among students and debunk conspiracy theories and fake news spread through social media, said Prime Minister Edouard Philippe in Lille, a city in northern France, when he announced the new policies on February 23.

"No one has a magic formula for 'de-radicalization' like you might de-install dangerous software," he said. "But in France and elsewhere there are good approaches to prevention and disengagement."

Conspiracies and false information are especially causing concern for Mr. Macron's centrist government.

Up to 30 percent of French youth between the ages of 18 and 24 don't believe that Islamist terrorists were responsible for the attack against satirical magazine Charlie

Hebdo in January 2015 in Paris, according a study published in January by the Fondation Jean-Jaures and Conspiracy Watch. Twelve magazine staffers died in the attack.

The new measures will also introduce tighter regulations for private and religious schools, including Islamic schools whose number has grown rapidly in the last few years.

"While the state has to guarantee to parents the freedom to choose their children's education, it is absolutely essential that we understand that certain private schools, where there is literally very little control, have caused great damage by teaching an ideology that is in total contradiction with the values of the French Republic," said Simone Rodan Benzaquen, director of the American Jewish Committee in France. "Once these kids are 'radicalized,' it is very difficult to reverse the damage."

#### Prison focus

Though traditionally a Catholic country, France is a nonreligious republic where citizens are theoretically equal before the law regardless of their national origin, race or faith. An estimated 5.7 million Muslims live in the country, according to the Pew Research Center, although the strictly secular French census does not ask respondents about their religion, race or ethnicity.

For the first time, the government is also taking new steps to reform prisons that have become hotbeds of Islamist radicalization. Radicalized inmates were previously dispersed among other prisoners. Now they will be housed in separate, sealed-off areas to prevent the exchange of radical ideas.

French prisons currently hold 512 people charged with acts of terrorism, as well as over 1,100 inmates who have been identified as radicalized.

Cherif Kouachi, one of the gunmen who attacked Charlie Hebdo, and Ahmed Coulibaly, who killed four people at a Jewish supermarket four days after the Charlie Hebdo attack, first were exposed to radical Islamist ideas while serving sentences in French prisons, authorities say.

Inspired by similar initiatives in Denmark, French officials are also setting up three centers to screen jihadists and help reintegrate other French citizens who are coming back from ex-war zones in Syria and Iraq. According the U.S.-based Soufan Center, a think tank, more than 250 of the nearly 2,000 French nationals who went to the Middle East for fight for the Islamic State have made their way home, the third highest total of returnees in Europe behind Britain and Germany.

In addition, further investments are being slated for the psychological care of former fighters' children. According to government data, 68 children, most below the age of 13, have returned from former Islamic State-controlled areas. Another 500 are estimated to be still in the Middle East.

The latest measures mark a U-turn from previous security plans, which critics said lacked comprehensive strategies and failed to deal with the causes of radicalization.

The country's first and only de-radicalization center was shut down in 2017 after less than a year because it failed to attract volunteer participants. The center cost around \$3 million.

Another de-radicalization program that had been outsourced to a non-governmental organization ended in failure when the group's former president received a suspended sentence for embezzlement of public funds.

The renewed anti-radicalization drive comes as Mr. Macron has proposed hardening France's immigration and asylum system.

Mr. Macron's legislation, which lawmakers will debate in the spring, aims to speed up the process for asylum requests, double to 90 days the time a person without papers can be kept in holding centers and criminalize illegal border crossings.

## **NATIONAL SECURITY NEWS**

### **Afghanistan Offers Amnesty To The Taliban In A Bid To End 16-year War**

By Shashank Bengali

Los Angeles Times, February 28, 2018

Afghan President Ashraf Ghani on Wednesday extended an olive branch to the Taliban, offering amnesty for war crime convictions and recognition of the insurgent group as a political party in a bid to end the nation's conflict, now in its 17th year.

It was Afghanistan's most significant peace overture to the large, fractious militant organization that currently controls more territory than at any time since the 2001 U.S.-led military invasion, but whose political aims have become unclear as the war has devolved into a bloody stalemate and its top leaders have been killed.

The Taliban surprised many observers two weeks ago when it wrote in an open letter that it wanted "a peaceful resolution" to the conflict. The group did not immediately respond to Ghani's proposal, delivered at the start of a multinational conference to promote peace talks.

Ghani called for a cease-fire and prisoner release and offered insurgents who renounce violence and recognize the Afghan government a place in the country's political institutions.

"We are making this offer without preconditions in order to lead to a peace agreement," Ghani told representatives of about two dozen countries to the conference, known as the Kabul Process.

The terms of the offer resembled those of a deal Ghani struck two years ago with a once-powerful insurgent group

led by Gulbuddin Hekmatyar, whose forces were accused of causing thousands of civilian deaths during the 1990s but who now appears alongside Ghani at official ceremonies.

"It's a very constructive offer with a lot of concessions to the Taliban, but we don't know if they will accept this overture," said Haroun Mir, an independent political analyst in Kabul, the capital.

The Taliban has lacked a strong leader since 2015, when the group announced the long rumored death of its longtime head, Mullah Mohammed Omar. The following year, Omar's successor, Mullah Akhtar Mohammad Mansour, was killed in a U.S. drone strike along the Afghan-Pakistani border.

Under Mansour's successor, a religious scholar named Mawlawi Haibatullah Akhundzada, Taliban insurgents have all but abandoned their political pretenses and escalated violence against civilian and security targets. According to a recent Pentagon inspector general's report, only 64% of the Afghan population lived in areas controlled by the government, down from 80% in September 2013.

After the most recent major attack, in late January, when a Taliban suicide bomber detonated an ambulance packed with explosives and killed more than 100 people near a Kabul hospital, Ghani said Afghanistan would never reconcile with the perpetrators of such attacks. President Trump also dismissed the idea, saying, "I don't think we're prepared to talk right now."

But Ghani's peace overture reflects an understanding — shared not only by the U.S. and its allies but also the Taliban — that the Afghan war will not be settled militarily and that the growing cost in Afghan lives is unsustainable.

This week, the Taliban followed up its open letter with a proposal to begin direct talks with the United States, another apparent change in stance by a group that has said it would not negotiate as long as foreign troops were in Afghanistan.

The Trump administration rejected the Taliban proposal, with State Department spokeswoman Heather Nauert saying: "Any peace talks with Afghanistan have to be Afghan-led and Afghan-owned."

Trump has increased the U.S. military presence in Afghanistan to 15,000 troops from 11,000 at the urging of Pentagon officials, who argue the boost will force the insurgents to come to the negotiating table.

The president has also raised pressure on Pakistan — the neighbor accused by Afghanistan of sheltering and supporting the Taliban — by withholding hundreds of millions of dollars in U.S. security assistance. Pakistani officials have rejected accusations that they are soft on terrorism and said they can do without the U.S. support.

"We are not sure if the Pakistanis will bend to the pressure from the U.S.," Mir said. "They have been able to withstand that pressure thus far because they have their allies in the region, including China and Iran."

Ghani's peace effort is also beset by problems in his government, an unwieldy coalition that includes former warlords and ethnic militia leaders who have challenged his authority. Atta Mohammad Noor, the strongman governor of a northern state, for more than two months has defied Ghani's orders to leave office.

Analysts say that Ghani's adversaries judge him as increasingly weak, desperate to make peace and possibly unable to fulfill his end of any agreement.

"Unfortunately, the overall situation is not in favor of peace in Afghanistan because of the Taliban and Pakistan's assessments of the situation — they think they'll win eventually," said Davood Moradian, director general of the Afghan Institute for Strategic Studies, a Kabul think tank.

"A fragmented, divided Afghan government cannot bring peace with very resistant and confident adversaries such as Taliban and Pakistan. I think the priority has to be internal stability. The prospects for peace with the Taliban will be more promising if the government is united."

Special correspondent Faizy reported from Kabul and Times staff writer Bengali from Mumbai, India.

## **In Peace Overture, Afghan President Offers Passports To Taliban**

By Andrew E. Kramer

New York Times, February 28, 2018

KABUL, Afghanistan — President Ashraf Ghani of Afghanistan renewed a call on Wednesday for the Taliban to join peace talks, offering to treat the insurgent group as a legitimate political party, though it has repeatedly rejected similar proposals.

In the latest overture, Mr. Ghani said his government would provide the Taliban with an office in the capital, Kabul; passports for its members; help resettling militants' families; and assistance in scrubbing the names of top commanders from international terrorist blacklists.

"We believe in providing a peaceful and respectful life for all Afghans, including those Taliban who leave violence behind," Mr. Ghani said. He spoke at a peace conference, called the Kabul Process, attended by more than 20 nations but not the Taliban.

There appears little chance of any breakthrough, but the Afghan government made the offer to demonstrate to an international audience that it is willing to negotiate, and to encourage those participating in the conference to pressure the Taliban to accept. The government is under pressure to offer incentives as the United States increases military pressure.

The Taliban's main faction has insisted on direct negotiations with the United States and dismisses the American-backed government in Kabul as a puppet.